



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdc@pdc.wa.gov * Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE
WITH RCW 42.17

) PDC CASE NO: 02-286
)
)

) REPORT OF INVESTIGATION
)

Chief Don Bivins, Marilyn Westlake, and
Ted Gathe of the City of Vancouver, and
Marty James, of Clark County
Fire District No. 5
Respondents.

I.

Background

1.1 On January 30, 2002, the Public Disclosure Commission received a complaint from Kelly Hinton alleging violations of RCW 42.17.130 by officials of the City of Vancouver for using public facilities to promote an EMS Levy scheduled for February 5, 2002. Specifically, Mr. Hinton alleges the following:

1. Officials of the City of Vancouver violated RCW 42.17.130 by producing a campaign piece through the fire department business plan;
2. Officials of the City of Vancouver violated RCW 42.17.130 by allowing the use of City of Vancouver Fire District personnel and property in a 2002 levy election commercial;
3. Ted Gathe, the Vancouver City Attorney, violated RCW 42.17.130 by responding in his official capacity to an e-mail sent to EMS committee members;
4. Officials of the City of Vancouver violated RCW 42.17.130 by allowing the use of City of Vancouver documents on the Vote Yes for EMS web site.

1.2 On November 5, 2001, the Vancouver City Council voted to approve placing an EMS levy on the February 5, 2002 ballot to fund the recommendations made in the business plan. On November 6, 2001, fire commissioners from Fire District No. 5 voted to place their EMS levy on the February 5, 2002 ballot.

1.3 On February 5, 2002, voters in the City of Vancouver and Clark County Fire District 5 failed to pass their respective emergency medical services property tax levies by 60



percent of the vote. The City of Vancouver levy received 10,653 yes votes, or 57.89 percent, and 7,749 no votes, or 42.11 percent. The Fire District 5 levy received 5,190 yes votes, or 58.23 percent, and 3,723 no votes, or 41.77 percent. Fire District No. 5 previously had an EMS levy election in September 2000, which failed to receive 60 percent of the vote. According to City of Vancouver staff, the previous City of Vancouver Fire Department levy proposition was ten years prior.

II.

Scope

- 2.1 Staff reviewed the following documents from the complainant:
1. Complaint letter received January 30, 2002.
 2. Attached fact sheet entitled "Facts on the Fire-EMS Property Tax Levy".
 3. Attached fax transmission cover sheet and e-mail from Ted Gathe, City of Vancouver Attorney.
 4. Attached e-mail from Michael C. Worthy, chair of Yes for Fire and EMS.
 5. Attached videotape of Yes for Fire and EMS committee commercial.
- 2.2 Staff reviewed the following documents from the City of Vancouver:
1. Faxed letter of response from Judy Zeider, Assistant City Attorney for the City of Vancouver received March 5, 2002.
 2. Letter of response from Ms. Zeider received March 18, 2002 with attached copies of Lifeline (Summer, Fall of 2001 and Winter of 2002).
 3. Letter of response from Ms. Zeider received March 18, 2002 with attached rough-cut video by Jim Demmons.
 4. Letter of response from Ms. Zeider, received March 18, 2002 with attached business plan documents.
 5. Faxed letter of response from Ms. Zeider received March 19, 2002 with scene by scene listing of footage given to EMS committee and copy of power point presentation developed by the Vancouver Fire Department.
 6. Faxed letter of response from Ms. Zeider received March 27, 2002 with Jeff Williams' employment history with the City of Vancouver.
 7. Faxed letter of response from Ms. Zeider received April 3, 2002 with two attached campaign e-mails sent from Chief Bivins' work computer.
 8. Letter of response from Ms. Zeider received April 8, 2002 with information on fire department presentations.
 9. Faxed letter of response from Ms. Zeider received April 12, 2002 with two attached Levy Resolution M-3363, Staff Report 217-01, and Council Minutes of 11/05/01. Hard copy received April 16, 2002.
 10. Faxed letter of response from Ms. Zeider received April 23, 2002 with attached council retreat notes and annual report from 2001.
 11. Faxed letter of response from Ms. Zeider received April 24, 2002 with attached documents concerning role of city manager.
 12. Letter of response from Marty James, Administrator for Clark County Fire District No. 5, with newsletter costs received May 9, 2002.
 13. Letter of response from Ms. Zeider received June 10, 2002 with attached statement by Marilyn Westlake.

- 2.3 Staff reviewed the letter from Marty James of Clark County Fire District No. 5, received May 24, 2002.
- 2.4 Staff reviewed the e-mail statement of Theresa Baker received April 16, 2002 concerning EMS levy Campaign website material.
- 2.5 Staff reviewed the contents of the Vancouver Fire and Rescue website including the following pages and documents:
 1. Fire department news releases dated December 14, 2001, and February 5, 2002;
 2. EMS February 5th Levy Election results and commentary;
 3. Business Plan outlining VFD needs;
 4. Web page entitled *Why do firefighters go on medical emergencies*;
 5. Web page entitled *Why every second counts in an emergency*;
 6. Web page entitled *A dinner and a show*.
- 2.6 Staff reviewed the contents of the June 29, 2001, the September 12, 2001 and the January 14, 2002, editions of the Clark County Fire District No. 5 and Vancouver Fire Department newsletter, Lifeline.
- 2.7 Staff members of the Public Disclosure Commission conducted interviews under oath with Chief Don Bivins, on March 18, 2002 and April 11, 2002 via telephone. (Hereafter, the interviews under oath with Chief Bivins will be referred to as BIO.)
- 2.8 Staff members of the Public Disclosure Commission conducted an interview under oath with Jim Demmon, Manager of Vancouver Cable, on March 14, 2002 via telephone. (Hereafter, the interview under oath with Mr. Demmon will be referred to as DIO.)
- 2.9 Staff members of the Public Disclosure Commission conducted interviews under oath with Marilyn Westlake, Fire Department Public education coordinator on March 15, 2002 and April 11, 2002 via telephone. (Hereafter, the interviews under oath with Ms. Westlake will be referred to as WIO.)
- 2.10 Staff members of the Public Disclosure Commission conducted an interview under oath with Pat McDonnell, City Manager on April 23, 2002 via telephone. (Hereafter, the interview under oath with Mr. McDonnell will be referred to as MIO.)
- 2.11 Staff members of the Public Disclosure Commission conducted an interview under oath with Marty James, Clark County Fire District No. 5 Administrator, on May 7, 2002 via telephone. (Hereafter, the interview under oath with Mr. James will be referred to as JIO.)

III.

Applicable Law and
Administrative Rules

3.1 **RCW 42.17.130**

Forbids use of public office or agency facilities in campaigns.

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(3) Activities which are part of the normal and regular conduct of the office or agency.

3.2 **WAC 390-05-271**, states that RCW 42.17.130 does not prevent a public office or agency from making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

3.3 **WAC 390-05-273**, states the following:

Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

IV.

Findings

Background

- 4.1 In 1994, the Vancouver Fire Department (VFD) and Clark County Fire District 5 consolidated operations. Fire District 5 maintains its separate legal existence and taxing authority, and the City of Vancouver through its fire department provides fire, rescue and EMS services to both the City of Vancouver and the unincorporated area of Fire District 5.
- 4.2 On January 30, 2002, the Public Disclosure Commission received a complaint from Kelly Hinton alleging violations of RCW 42.17.130 by officials of the City

of Vancouver for using public facilities to promote an EMS Levy scheduled for February 5, 2002. Specifically, Mr. Hinton alleges the following:

1. Officials of the City of Vancouver violated RCW 42.17.130 by producing a campaign piece through the fire department business plan;
2. Officials of the City of Vancouver violated RCW 42.17.130 by allowing the use of City of Vancouver Fire District personnel and property in a 2002 levy election commercial;
3. Ted Gathe, the Vancouver City Attorney, violated RCW 42.17.130 by responding in his official capacity to an e-mail sent to EMS committee members;
4. Officials of the City of Vancouver violated RCW 42.17.130 by allowing the use of City of Vancouver documents on the Vote Yes for EMS web site. **(Exhibit 1)**

Guidelines for Local Government Agencies, Including School Districts, in Election Campaigns:

- 4.3 The Public Disclosure Commission has operated under the presumption that local agencies have a right to communicate with the public about the operation of the agency. As described in PDC Interpretation No. 00-05, Guidelines for Local Government Agencies, Including School Districts, in Election Campaigns, local agencies can make an objective and fair presentation of facts relevant to a ballot proposition; however, the determination of the propriety of the public expenditure depends upon a careful consideration of such factors as the style, tenor and timing of the publication. The clause "objective and fair presentation of facts" means that in addition to presenting the facts, the materials should accurately portray the costs and other anticipated impacts of a ballot measure.
- 4.4 Don Bivins, Fire Chief of the City of Vancouver Fire Department, stated he was aware that the city could not campaign for the levy election held February 5, 2002. He stated, *"Ted Gathe, who is a city attorney, sent me some information about campaigning and keeping the lines separate between the city and the campaign effort,"* which was sent prior to the production of a fact-sheet for the EMS levy ballot issue. **(Exhibit 17, BIO, p. 3 of the interview transcripts)**

Allegation 1: That the Vancouver Fire Department's business plan was a campaign piece

- 4.5 On January 30, 2002, the Public Disclosure Commission received a complaint from Kelly Hinton alleging that officials of the City of Vancouver violated RCW 42.17.130 by producing a campaign piece through the fire department business plan. **(Exhibit 1)**
- 4.6 Prior to the City of Vancouver Fire Department and Fire District No. 5's joint ballot propositions held on February 5, 2002, Pat McDonnell, the Vancouver City Manager, requested by memorandum on January 24, 2001 that all city departments develop a business plan. The memo indicated that the parks, police and fire department were to complete their plans in 2001, and all other

departments to do so by 2002. **(Exhibit 2)** According to fire department staff, the due date given for attainment was June of 2001, for which the fire department formally presented its business plan to the city council on August 27, 2001. **(Exhibit 3)** Eight months later, in April of 2002, the police department presented its business plan to the city council, and in May 2002, the parks and recreation department released its draft business plan.

4.7 Mr. McDonnell's January 24th memo outlined, in part, the purpose of business planning, which included that it was a "communication vehicle" for citizens; that its findings were to be disseminated to the public; and that the source of funding was part of the process. **(Exhibit 2)** Under the subheading ***"Why institute business plans?"*** the following three reasons were given:

- a. ***"To provide a communications vehicle for the citizens of Vancouver (shareholders) to understand how we critically examine and prioritize our business processes;***
- b. ***"To provide a consistent context for the city managers and city council to make policy decisions about programs and services;***
- c. ***"To be a tool for department level business manager to critically analyze their major business practices, and how they provide services, quantify their performance against external benchmarks, and provide sound solutions to the challenges presented to them."***

Under the subheading ***"What do I do with it when the plan is done and accepted"*** was the following statement, ***"First, disseminate it to your department and customers. They need to know the plan if you want them to support it."***

Under the subheading ***"How do I begin planning,"*** was a list of ten general questions that the plans were intended to answer¹. They are as follows (emphasis shown below was included in the document, and was not added):

1. ***"Who are we?"*** (Includes overview of department, existing mission and goals)
2. ***"Who are my customers and market over the next five years?"***
3. ***"What are my lines of business?"***
4. ***"What are key performance measures that quantify the impact of business on our customers?"***
5. ***"What resources are required to meet current service levels? Resource categories: (Identify total requirement initially; discuss funding source later)"***
6. ***"How do we currently fund the services?"***
7. ***"What are my future goals and the strategy to achieve them?"***
8. ***"What are my resource needs to meet the future service level goals?"***
9. ***"How will we fund the resources to meet my service level goals?"***
10. ***"What are the major risks to our plan and how will we minimize them?"***
(Exhibit 2)

¹ The section included the statement, "Remember that this is a guide – not all questions will be applicable to your organization." **(Exhibit 2)**

- 4.8 Concerning the financial aspect of business plans, Mr. McDonnell states the following in the memorandum, ***“if the financial part of your business plan isn’t good enough to go to the public in the current financial climate; you should reconsider what you’re proposing and how to make it viable.”*** (Exhibit 2) In an interview under oath, Mr. McDonnell was asked to clarify what he meant by his statement. He stated, ***“there was really a disconnect between ... what community oriented policing is and what the public feels like they’re getting. So this was a dynamic process where I took the business plans and really brought in the community to have a focus on how do we really let the community know what kind of programs and services we do. And to get buy in, because after the budget in 2000 it was clear it would take a public outreach to get the public and the council to understand our services and to get community support. But the levies weren’t a part of that. It was just really, we weren’t talking about getting voter approval for any specific issue. It was really to say we need to get the community to understand this program and to support basically us and the council on these programs. That what I meant by it.”*** (Exhibit 12, MIO, p. 7 of the interview transcripts)
- 4.9 According to the City of Vancouver City Council’s retreat notes from June 11, 2001, at the meeting the council reviewed the city’s base priorities, including the operational and capital needs of the fire, police, and parks departments (Table 1 below). The notes included the council’s expectations for the next retreat, including gaining a full understanding of the VFD business plan, exploring a fire impact fee, and exploring an Emergency Medical Service (EMS) Levy. In the notes devoted to ***“a hypothetical balanced budget exercise,”*** the council reviewed increasing the city’s revenues by \$14.7 million through a sales tax, ¼% REET (capital only), fire impact fees (facilities only), utility tax, and B&O tax (includes retail. Further the ***“hypothetical balanced budget exercise,”*** included reducing expenditures by 6.8 million through cutting 1.0 million from city hall, 1.2 million from police capital, cutting .8 million from police staff, cutting 1.3 million from discretionary programs, cutting 1.0 million from unexpended general funds, and cutting 1.5 million due to increased efficiency. (Exhibit 24)

Table 1: From June 11, 2001 City Council’s retreat notes -- Base Priorities

Priority	Priority Operating Needs	Capital 6 years	Comments	Total
Fire department	4,500,000	1,000,000	Incls equipment	5,500,000
Police department	1,600,000	1,200,000	Debt service	2,800,000
Transportation	750,000	5,500,000		6,200,000
Parks	750,000	1,400,000	Legacy program	1,400,000
Recreation		3,200,000	Rec facility debt service	3,950,000
Other – General	500,000	1,000,000	Debt service	1,500,000
TOTAL	8,100,000	13,300,000		21,400,000

- 4.10 On August 29, 2001, the City of Vancouver City Council’s retreat notes reflect that the ***“Council generally agrees that an EMS Levy, [\$.50 per \$1,000 annual***

valuation property tax or approximately \$6,250,000 combined (City \$4,500,000 and Fire District Five \$1,750,000) would address the long term structural changes and needs related to response times, staffing levels, and quality service provided by the Vancouver Fire Department.” (Exhibit 24)

- 4.11 The Vancouver Fire Department’s business plan addressed the impact of growth on program services such as fire suppression, hazardous materials response, emergency medical services, technical rescue and training. Although the business plan does not detail funding sources, according to Judy Zeider, Assistant City Attorney, the business plan recommended steps to address ***“static resources and growing public demand for services, one of which was for both Fire District No. 5 and the City to place EMS levies before the voters to fund the EMS portion of the City budget.”*** (Exhibit 3) The plan made three key recommendations to address the impact of growth on meeting current standards of response times. The proposals were recommended to be introduced incrementally and would cost the fire department from \$2.5 to \$6 million in each of the next three years. They include:

- **Three small, light-duty rescue vehicles with a two-paramedic staff.** These units were slated to handle emergency medical calls.
- **Build two fire stations** -- at the 12600 block of Northeast 72nd Avenue in 2002 and another on the eastside on Northeast 18th Street at 164th Avenue in 2003.
- **Add staff** for the three small, light-duty rescue vehicles and two fire stations.

- 4.12 The Vancouver Fire Department’s business plan contained the following statements:

- Under the section entitled ***“E. Environmental Scan”***, the fire department stated, ***“The community wants us to maintain our existing service levels and is generally supportive of paying more in taxes to achieve this end.”*** (Exhibit 13, page 5 of 120 of business plan)
- Under the section entitled ***“I. Problems to Address”*** the fire department included the following:
 - 1) ***Increasing fire response times***
 - 2) ***Overtime use***
 - 3) ***Identification of additional revenue and cost sharing sources***
 - 4) ***Deployment Standards (NFPA 1710, NW Standards of Cover)***
 - 5) ***Quality of internal data & support***
 - 6) ***Regionalization of services (as an issue, not a problem)***
(Exhibit 13, page 8 of 120 of business plan)
- Under the section entitled ***“E. Problems & Recommended Solutions”*** the fire department included the following:
“Problem 1: Response times are increasing and do not meet our response standard. EMS call volume is highly predictable by time of

day. Explosive increase in population density is driving more calls from 1980-2000:

- **Population has increased 86%**
- **EMS calls have increased 774%**
- **Fire calls have increased 108%**
- **Increased traffic congestion is slowing response times**
- **Out of position responses are becoming more common (18%)**
- **Mutual Aid requests are imbalanced – VFD is a net consumer instead of net provider**

Recommendation: Solution 2—Staff 3 EMS Adaptive Response Units, one each in the busiest fire station areas. Add additional stations, engines and crews as needed (projected in 2003 and 2004) when needed for geographic expansion.” (Exhibit 15, page 17 and 18 of 120 of business plan)

- 4.13 The Vancouver Fire Department business plan contained a supplement on an EMS transport option from pages 88 through 120. The supplement evaluated the feasibility of Vancouver Fire Department providing city ambulance transportation for their jurisdiction, or whether the department should continue contracting for this service with an outside vendor. It is entitled *A Review of the EMS system serving the City of Vancouver and Overview of the Requirements to provide Ambulance Transport Services*. The supplement was written at the request of the Vancouver Fire Department by Ted Farr, EMT-P and published in July 2001. The supplement states in the executive summary:

“The Vancouver Fire Department has made a commitment to provide a quality EMS service to the citizens of the area. The purpose of this project was to establish a basis for planning the integration/implementation of EMS transport services in the Fire department business plan. The elements of a transport service provided through the Fire department are addressed as part of the project. The fact that the transportation service contract for the EMS District will be up for bid soon establishes the timeline to evaluate the prospects of providing transport service.”

- 4.14 Mr. McDonnell stated that the police, fire and parks departments were targeted to produce the city’s first business plans because they were the “**core priorities**” of the city. Mr. McDonnell stated: “... ***we know the economics given our tax initiatives and where we were going. We know those back in, when I took a financial picture in 2000 when we adopted the biennial budget, which was 2001, and 2... And when I looked at the revenues and expenditure curves in September, I knew we were on a collision course given our tax initiatives, our property tax and our other limitations. I felt I needed to put a planning process together that effectively dealt with revenue reductions. And the four core programs, police, parks and fire were part of that.***” (Exhibit 12, MIO, p. 5 of the interview transcripts)

- 4.15 When Mr. McDonnell was asked whether police, fire and parks departments were targeted for business planning due to their ability to conduct a levy election, he stated, ***“absolutely not, we didn’t even know we had, I mean I thought that the budget in 2000 for 2001 and 2 and we are in the middle of that biennial budget. And the question was then all those needs were raised in all of the departments on net service needs, fire rating increases, response for services. All of those questions came out of that budget process in the latter part of 2000 and that really focused why the business planning. Why we needed it. Because we knew we were headed for some significant, tough fiscal times and I needed to find a mechanism of connecting the council, and the department and the community to what services we were going to be looking at. So it had really nothing to do with levy or tools, it really had to do with changing the budget process. Because I was quite frankly, very concerned about it.”*** (Exhibit 12, MIO, p. 5 and 6 of the interview transcripts)
- 4.16 Chief Bivins described that the intent of the business plan was to ***“identify the service level that we currently provide to the community.”*** (Exhibit 5, BIO, p. 4 of the interview transcripts) He stated that the city had gone through a strategic planning process earlier in 2000 and ***“identified the broad scope of city services and what the city should stand for. And then the intention was that each individual department would further refine their role in that broad service level, identifying the broad service level that they are providing through operational plans, which later became business plans.”*** (Exhibit 5, BIO, p. 4 of the interview transcripts) Chief Bivins stated that the department was to explore alternatives in providing programs and services, perhaps contracting out services, and to identify whether or not the department was meeting its goals. (Exhibit 5, BIO, p. 4 of the interview transcripts)
- 4.17 Chief Bivins stated that the business plan helped focus the fire department’s work objectives to evaluate current services and communicate the department’s status. He stated, ***“Well we had for quite some time known that ... our staffing levels were low comparatively speaking and we were having a difficult time keeping up with the load. And frankly we weren’t sure how well known that was internally in the city. And when you just simply complain about it that’s how it’s perceived as a complaint or a whining with no real objective information and the business planning process allowed us to quantify the level of disparity, the service level impact of the service that we were providing and so it allowed us to focus the communication that we needed to give to the city manager and the city council about the impacts those service levels, the reduction of service levels, as a result of the increased demand.”*** (Exhibit 5, BIO, p. 5 of the interview transcripts)
- 4.18 Marilyn Westlake, Education Outreach Coordinator for the City of Vancouver’s fire department, stated that the business plan changed her work objectives in public outreach through producing the newsletter, Lifeline, through production of a draft informational video intended to be used in public presentations, and

through updating the fire department's web site. Ms. Westlake stated, *"Well actually before the business plan was completed, the chief wanted to have a open and clear communication with the community, letting them know that we would be performing this assessment of the current status with the fire department. And then the next step was report back to the community on the findings and that was completed in the second edition of the Lifeline. And then the third Lifeline was produced after the city council determines how they wanted to go forward, which was with the levy approach."* (Exhibit 7, WIO, p. 5 of the interview transcripts) In addition, Ms. Westlake described *"as the department was doing this evaluation and assessment with the business plan additional information was becoming available and we were looking for some ways to accurately communicate the circumstances in the fire department. So in addition to the neighborhood outreach and the other activities that we were involved in it was felt that we were able to make good use of a general who we are and what we do video very similar to what our police department uses when they go to visit with neighborhood or community groups or really any other situation where you want to explain your service to the public."* (Exhibit 7, WIO, p. 8 of the interview transcripts) Ms. Westlake agreed that there was a concerted effort to publicize the business plan results through a fire department informational video, through updating the department's website and through distributing the Lifeline newsletters. She stated, *"Yes, I believe that's accurate."* (Exhibit 7, WIO, p. 8 of the interview transcripts)

- 4.19 Chief Bivins stated that no funding solution other than the EMS levy that was available to the fire department to address the business plan recommendations, was shared with the public. He stated, *"No. We did not, we did not offer any other funding alternatives than the EMS levy."* (Exhibit 17, BIO, p. 21 of the interview transcripts)

Allegation 2: That officials of the City of Vancouver used City of Vancouver fire district property in a 2002 levy election commercial

- 4.20 In January 2002, the Yes for Fire-EMS committee began running a two minute television ad in support of the City of Vancouver's and Fire District No. 5's emergency medical services property tax levies. Previously, the Yes for Fire-EMS committee filed its committee registration form on November 30, 2001, and named Vancouver Fire Department Chief Bivins as campaign manager and media contact.
- 4.21 The television ad contained video footage of a City of Vancouver fire truck, City of Vancouver paramedic equipment and several City of Vancouver fire department personnel. The fire department equipment and personnel were clearly identifiable as City of Vancouver personnel and equipment. (Exhibit 4) The political advertisement contained written sponsor identification indicating that the Yes for Fire-EMS committee paid for the advertisement, but failed to include spoken sponsor identification, in accordance with RCW 42.17.510.

- 4.22 On January 30, 2002, the Public Disclosure Commission received a complaint from Mr. Hinton alleging a violation of RCW 42.17.130 by officials of the City of Vancouver for allowing use of City of Vancouver Fire District property, equipment and personnel in footage for the levy election commercial. **(Exhibit 1)** Mr. Hinton states that the footage was filmed during deliberations that resulted in the EMS levy, for a *“now-unfinished, unreleased educational and information video that may NEVER [sic] be released, and its use for this purpose is an obvious violation of the letter, spirit and intent of the RCW.”* **(Exhibit 1)**
- 4.23 Chief Bivins stated that he authorized the creation of an informational video for the fire department in the spring of 2001 and assigned Marilyn Westlake to produce it. **(Exhibit 5, BIO, p. 7 and 8 of the interview transcripts)** Ms. Westlake stated that she asked the Clark Vancouver Television (CVTV), a Clark County/City of Vancouver joint venture, to create the video in late spring of 2001. **(Exhibit 18, WIO, p. 2 of the interview transcripts)** Jim Demmon, manager of CVTV, stated that he received the request in June 2001 and understood that the fire department wanted it done *“fairly quickly ... by the end of summer.”* **(Exhibit 6, DIO, p. 6 of the interview transcripts)** On June 26, 2001, CVTV had drafted a script based on a power-point presentation created by Ms. Westlake, and in late July or early August, Mr. Demmon stated that the department shot footage for the two to three minute video. Without receiving feedback on the draft script, Mr. Demmon stated that his department created a rough-cut version of the video and forwarded it on September 10, 2001 for Ms. Westlake’s review. **(Exhibit 6, DIO, p. 3 and 4 of the interview transcripts)** The draft video contained updated shots of EMS paramedic equipment and fire department personnel and trucks, with voice-over descriptions of fire department services and average response times. Mr. Demmon stated that he and one other staff member dedicated no more than 80 hours to the project. **(Exhibit 6, DIO, p. 4 of the interview transcripts)**
- 4.24 According to Chief Bivins, he did not give Ms. Westlake a deadline or have a planned completion date in mind for the informational video. He stated, *“No. I didn’t give any deadlines or anything like that. I just said let’s do something like this and use it as a communication tool.”* **(Exhibit 5, BIO, p. 8 of the interview transcripts)** Ms. Westlake also stated that she did not have a deadline or a planned completion date in mind. She stated, *“I don’t believe I had a specific completion date. I just wanted to try to see if we could move it forward.”* **(Exhibit 7, WIO, p. 10 of the interview transcripts)** The fire department had never before created this type of video, and as of April 2, 2002, according to Ms. Westlake, the video remains uncompleted with no target date for completion. When asked if Ms. Westlake has a current completion date, she stated, *“I do not.”* **(Exhibit 7, WIO, p. 12 of the interview transcripts)** As of November of 2004, the fire department’s informational video has not been completed.

- 4.25 Chief Bivins stated that in December of 2001, while off-duty, he suggested that Jeff Williams, media consultant for the Yes for Fire-EMS committee, talk to Ms. Westlake about acquiring EMS footage taken by CVTV and fire department photographs. **(Exhibit 17, BIO, p. 15 of the interview transcripts)** He stated, *"I think I suggested to Jeff Williams to talk to Marilyn Westlake about how best to access some information... Video, still shots, those kinds of things."* **(Exhibit 5, BIO, p. 10 of the interview transcripts)** According to Mr. Demmon, Mr. Williams contacted CVTV in early January 2002 to make a public records request for EMS footage. **(Exhibit 3, declaration of Jim Demmon)** Mr. Demmon stated that CVTV routinely provides video footage through public records requests. **(Exhibit 6, BIO, p. 9 of the interview transcripts)** Ms. Westlake stated that after Mr. Williams received images from CVTV, she and Mr. Williams spoke about the footage, while she was off-duty. Ms. Westlake stated she was surprised *"that [CVTV] released B roll footage for private citizens,"* which she described as background images typically used with voice-overs in video production. **(Exhibit 18, WIO, p. 4 of the interview transcripts)**
- 4.26 Chief Bivins stated that the intent of creating the informational video was to describe the fire department's programs and services and its current status. **(Exhibit 5, BIO, p. 7 of the interview transcripts)** The Chief stated that *"we felt that the community really did not fully understand or comprehend what the fire department does, and it was important that they understood that."* **(Exhibit 5, BIO, p. 6 and 7 of the interview transcripts)** Ms. Westlake stated *"My intent in having the video shot was to come up with some more contemporary images of the fire fighters in our department"*. **(Exhibit 18, WIO, p. 4 of the interview transcripts)** The Chief described that the video would be used for presentations made to neighborhood associations to make the fire department more visible in the community. **(Exhibit 5, BIO, p. 7 of the interview transcripts)** Ms. Westlake stated, *"we were looking for some ways to accurately communicate the circumstances in the fire department."* **(Exhibit 7, WIO, p. 8 of the interview transcripts)**
- 4.27 Ms. Westlake stated that creating the video was not a new idea, but one that had been considered previously three years ago, but never completed. Ms. Westlake stated she hoped that she could *"move [the project] forward."* **(Exhibit 7, WIO, p. 10 of the interview transcripts)** Ms. Westlake stated that due to competing priorities and projects, which included developing an education project called Risk Watch, developing curriculum for elementary students, and building a coalition with fire stations and safety agencies, she was unable to finalize the fire department video. She stated that she takes responsibility as the person *"holding it up."* **(Exhibit 7, WIO, p. 10 of the interview transcripts)**
- 4.28 Both Chief Bivins and Ms. Westlake state that the fire department did not create the video footage for use by the EMS campaign committee. **(Exhibit 17, BIO, p. 16, and Exhibit 18, WIO, p. 4 of the interview transcripts)**

- 4.29 As previously described, Chief Bivins and Ms. Westlake indicated that the fire department wanted to distribute information from the business plan in multiple formats that included an informational video, public presentations, fire department web site and fire department newsletters. **(Exhibit 5, BIO, p. 8, and Exhibit 7, WIO, p. 8 of the interview transcripts)** Ms. Westlake stated that in addition to the video, she and Chief Bivins *"discussed enhancing our web page and we discussed other efforts we might need to help people better understand the situation at the fire department."* **(Exhibit 18, WIO, p. 2 of the interview transcripts)**
- 4.30 Judy Zeider, Assistant City Attorney for the City of Vancouver, provided an example of an informational video produced by CVTV for the Vancouver Police Department. The video was 13:30 minutes in length and described in detail the police department's community policing and problem-solving program (COPPS), which is a community partnership program designed to solve localized problems or make specific improvements in neighborhoods. The video contained several presentations by police department representatives and community members. Mr. Demmon provided the rough draft of the Vancouver Fire Department informational video which was 3:21 minutes in length, and gave an overview of the fire department services and response times.

Allegation 3: That Ted Gathe, the Vancouver City Attorney, responded on behalf of the EMS levy committee

- 4.31 Mr. Hinton also alleged a violation of RCW 42.17.130 by the Vancouver City Attorney for responding to an EMS committee question that was sent and addressed to the political committee members' e-mail addresses. **(Exhibit 1)** Mr. Hinton states that his concerns were addressed to campaign committee members at their campaign e-mail address; however Mr. Hinton received a response from Ted Gathe, attorney for the City of Vancouver. Furthermore, Mr. Hinton received a response from a campaign committee member that Mr. Hinton believed *"used language provided by the city attorney."* **(Exhibit 1)**
- 4.32 On March 5, 2002, Ms. Zeider faxed a letter of response concerning the complaint, which included a statement made by Mr. Gathe. The e-mail in question from Mr. Hinton was included in Ms. Zeider's response, which indicated that Mr. Hinton addressed his e-mail to Chief Bivins' City of Vancouver e-mail address, as well as the EMS campaign address. **(Exhibit 1 and Exhibit 3)**
- 4.33 Mr. Gathe stated in a declaration that he received the e-mail from Chief Bivins' City of Vancouver's e-mail address on January 22, 2002 and responded to Mr. Hinton on the legality of the city providing materials in response to a public records request. **(Exhibit 1 and Exhibit 3)** Mr. Gathe acknowledged in his e-mail to Mr. Hinton that it was unclear to him whether Mr. Hinton was alleging that the campaign committee or the city had violated RCW 42.17.130, but Mr. Gathe stated that he wanted to address the city's response to the public records request for the video footage. In the e-mail to Mr. Hinton, Mr. Gathe provided an

explanation of the city's obligation to fill a public records request. Mr. Gathe further stated in his declaration that he did not provide any legal advice or direction to the EMS committee. **(Exhibit 3, declaration of Ted Gathe)**

Allegation 4: That the City of Vancouver provided web site content on the Vote Yes for EMS web site

- 4.34 Mr. Hinton alleged that City of Vancouver officials violated RCW 42.17.130 by allowing a link from the EMS campaign web site to the fire department's web site. **(Exhibit 1)** Mr. Hinton states that the EMS campaign committee web site contained *"a link to an official government site...."* **(Exhibit 1)**
- 4.35 The EMS campaign committee web site, located at <http://www.voteyesems.org/>, contained links to two City of Vancouver documents, the business plan and the Vancouver Fire Department fact sheet. Both links were to copies of the Adobe Acrobat files (otherwise known as PDF files) of the documents stored on the committee's Internet service provider's server. **(Exhibit 8)** On April 16, 2002, Theresa Baker, web master for the EMS campaign committee web site, stated in a letter that she copied the business plan and fact sheet onto her Adobe Acrobat software and created the links to the website. **(Exhibit 16)**

The Vancouver Fire Department and Fire District No. 5 Newsletter, Lifeline

- 4.36 The Vancouver Fire Department began producing the Lifeline newsletter in the summer of 2001. In total, three editions were sent on June 29, September 12, 2001, and January 14, 2002 to residents of the City of Vancouver and residents of Fire District No. 5. The City of Vancouver and Fire District No. 5 shared costs, added content, and provided authorization of the joint publications. **(Exhibit 17, 18, and 14)** According to Ms. Zeider, since the January 2002 Lifeline edition, one edition was published and distributed in July of 2003.
- 4.37 According to Chief Bivins, Ms. Westlake and Marty James, Fire District No. 5's administrator, there are no plans to publish this newsletter quarterly. **(Exhibit 17, 18, and 14)** Chief Bivins stated, *"Actually we had discussed publishing them quarterly. We ultimately never did decide if we were going to do it quarterly or semi annually. I tend to think that quarterly is a bit much and too expensive and would lean towards twice a year."* **(Exhibit 17, BIO, p. 18 of the interview transcripts)** Ms. Westlake stated, *"For our future ones I don't know when the next edition is going to be published...because we haven't had those meetings to set the schedule..."* **(Exhibit 18, WIO, p. 7 of the interview transcripts)** Mr. James stated that he did not know when the next Lifeline would be published. **(Exhibit 14, JIO, p. 17 of the interview transcripts)**
- 4.38 Chief Bivins stated that prior to the publishing of the Lifeline, *"Our communication with the community was spotty. Fire district 5 produced a newsletter or something like that, an insert in the newspaper that they called News at 5..."* **(Exhibit 17, page 13 of 32)** Mr. James stated that Fire District No. 5's publication, the News at 5 flier, was typically published twice yearly, and

distributed as an insert in the local newspaper, The Columbian, to reach residents in the fire district's jurisdiction. (Exhibit 14, JIO, p. 4 and 9 the interview transcripts)

- 4.39 Mr. James stated that an effort to publish information more frequently about the fire district was due in part to the failure of the district to pass an EMS levy in September of 2000. He stated, *"I think what spurred us was we were not used to having levies fail and it was a real slap in the face when that levy failed and it was only \$.20. I just went to the board and said you know ... it was my guess that the people that lived in the district didn't understand the relationship between Fire District 5 and the City of Vancouver. It was definitely and clearly an issue that the public didn't understand what had happened with fire protection. Therefore I went to Don Bivins and said we need to do something about this. And they were part of the problem as well as I was and for that solution to come out I felt it needed to come jointly from both of us. Because I couldn't put out anything about the number of calls they had or what they're doing with fire prevention and all etc. without information from their records."* (Exhibit 14, JIO, p. 7 the interview transcripts) Previously, Mr. James stated, *"...historically what had happened with the district we were very successful in our ...lid lifts where we didn't have to have a 60% yes. All we needed was 50% plus. And we ran ... lid lifts just about annually for many, many years...they were passed because we had a very good rapport with the public... After 1994 when all of the employees left district 5 and were merged in with the employees from the City of Vancouver the goal of the city at the time was to make district 5 go away. It was to gobble up as much of it as it could. Therefore money was not expended on information about the district... I'm guessing it was the spring of 2000, somewhere in there I think it was 2000. We tried to float a levy or a six-year EMS levy for \$.20 and it failed. The board at that time recognized the problem being that how can we expect levies to pass when we no longer communicate with the public."* (Exhibit 14, JIO, p. 5 the interview transcripts)
- 4.40 When asked whether the plan to publish a joint publication was due to foreseeing a levy on the horizon or part of communication due to the business plan, Mr. James stated, *"Well I think it's a combination of both. Again my history is I was an assistant fire chief with the City of Vancouver so therefore and like I said I'd had 25 years with them plus another 6 with the City of Vancouver ... 695 hit, 747 hit... All those things were adversely affecting our ability to provide services. Growth down here... I'd say it's somewhere between 6 and 10% over the 6 years while I was with the city and revenues were not keeping pace. And being in a fire district there is only a couple of options you can do and one is if we're going to increase staffing, the options are that we run a six-year EMS levy or there's another option, it's called a benefit service charge. And we opted for the six-year levy because we had passed one of those back in 1980. We passed it back then. So that's, it really had nothing to do with the business plan because, my name is on the business plan but I only attended the first meeting."*

Mainly because I've got a full time job already and I did review it periodically as it was taking place, plus my meeting with Don periodically I kind of knew what was going on with the business plan." (Exhibit 14, JIO, p. 7 and 8 of the interview transcripts)

- 4.41 Chief Bivins stated that he initiated the creation of the Lifeline newsletter and assigned Ms. Westlake to coordinate its publication. (Exhibit 17, BIO, p. 14 of the interview transcripts) Ms. Westlake stated, *"The Lifeline newsletter, the initiation of that I was assigned to produce a copy for that in... the spring. And the reasoning ...we were going to have some really good solid information to communicate to the public about the fire department. So our intent was to use this process where the additional information was being collected and use that information ... to communicate to the public."* (Exhibit 18, WIO, p. 2 of the interview transcripts) Concerning the Lifeline publication, Ms. Westlake also stated, *"There was a general plan to have an edition go out announcing the business plan, that data was being gathered. That there was going to be another one when we had the material put together so reporting back to the citizens on what the content was going to be and then there would be a third one, presumably when the funding source was identified. Whatever that might be."* (Exhibit 18, WIO, p. 7 of the interview transcripts)
- 4.42 The summer of 2001 newsletter was distributed to Clark County Fire District No. 5 and City of Vancouver residents on June 29, 2001, for a total cost of \$21,391.88 for printing and postage and approximately \$480 (\$28 x 20 hours) in staff time. (Exhibit 19 and Exhibit 14, JIO, p. 10 of the interview transcripts) Postage costs were \$10,313; design costs to Gaten's Design for format and layout were \$2,949. Printing costs to Graphic Arts Design were \$8,129.76. Chief Bivins and Mr. James, with approval from the District Commissioners, authorized the brochure. (Exhibit 5, BIO, p. 10 of the interview transcripts and Exhibit 14) Mr. James stated that Fire District No. 5 paid for this newsletter, which was a tri-folded color brochure with graphics and photographs. The brochure included a description of the specialized services of the fire department, a map of the consolidated jurisdiction, nine photographs of members of the fire department and a letter from Chief Bivins. (Exhibit 9a) The summer of 2001 newsletter contained the following information:
- A. Under the "To the People of Vancouver" section, Chief Bivins states, *"With this newsletter we are endeavoring to explain the many services that the Vancouver community receives, in spite of the hard blows that rapid growth has dealt to the Vancouver Fire Department. The sharply rising volume of emergency calls confirms this...I am very concerned today that our long tradition of quality service is being threatened, and that the day may come when we can no longer live up to this tradition."*
 - B. Under the "To the People of Vancouver" section, the words *"...our long tradition of quality service is being threatened..."* were repeated and set apart from the text in large red script.

- C. Under the *"To the People of Vancouver"* section, Chief Bivins states, ***"during my 25 years in the fire service, community needs have changed dramatically. It is not well known, but fire calls account for just 20% of 18,583 emergency responses last year. Emergency Medical Service (EMS) calls comprise the other 80% ... "the fire department has cut programs, found new efficiencies, and implemented new technology. Still public demands continue to grow, and we are beyond capacity...We are at a difficult point and we need to catch up."***
 - D. Under the header *"One Lifeline, One Voice – Your Fire Department"*, the newsletter describes the specialized services provided by the consolidated fire department. It then details that each firefighter serving in their department is an emergency medical technician, and that paramedics ***"can deliver more complicated medical care, including starting an IV and administering life-saving medication in the field, opening airways by inserting a tube, shocking the heart back to life, even delivering babies. In 2000, medical emergencies comprised 80 percent of all calls..."***
 - E. Under the header *"One Lifeline, One Voice – Your Fire Department"*, the words ***"In 2000, medical emergencies comprised 80 percent of all calls"*** were repeated and set apart from the text in large red script.
 - F. The section *"One Lifeline, One Voice – Your Fire Department"*, contained the statements, ***"The tragedy of fire is never far away. Last year firefighters went to 869 fires that caused one civilian death, eight civilian injuries, and six firefighter injuries. Fires, explosions, and other emergencies will continue to tap our resources as the community's needs continue to grow and change."***
- 4.43 The fall of 2001 newsletter was distributed to Clark County Fire District No. 5 and City of Vancouver residents on September 12, 2001, for a total cost of \$19,882.93 for printing and postage and approximately \$480 (\$28 x 20 hours) in staff time. **(Exhibit 19 and Exhibit 14, JIO, p. 10 of the interview transcripts)** Postage costs were \$10,494, and design costs to Gaten's Design for format and layout were approximately \$1,050. Printing costs to Graphic Arts Design were \$8,338. Chief Bivins and Mr. James, with approval from the District Commissioners, authorized the brochure. **(Exhibit 5 and Exhibit 14)** Chief Bivins stated that the city paid for this newsletter, which was a tri-folded color brochure with graphics and photographs. The cover of the brochure contained a photograph of firefighters rendering emergency medical aid to a trauma victim. **(Exhibit 9b)** The brochure contained a description of the business plan and information on an EMS levy. It also contained multiple graphs and a map of the consolidated fire service with the projected sites of two fire stations and three EMS rescue vehicles detailed in the business plan. In addition, the brochure contained the following:

- A. Under the section *"To the People of Vancouver..."*, Chief Bivins stated, ***"Early this summer I promised to report back to you with recommended solutions for the serious problems facing the Vancouver Fire Department. Safeguarding lives and property is our top priority. Today we need help to deal with the consequences of growth in our area...After eight months of rigorous research and analysis we completed a business plan. It was presented to the Vancouver City Council late last month. It includes carefully researched recommendations designed to maintain a safe level of fire department services. This is not a plan for expansion."***
- B. Under the section *"To the People of Vancouver..."*, Chief Bivins describes that the business plan made recommendations to purchase three rescue units, and build two fire stations in areas of ***"historically poor response times"*** and add additional staff. Chief Bivins stated that the Vancouver City Council and Fire District No. 5 Commissioners would meet next month to discuss funding possibilities, ***"including placing an Emergency Medical Services (EMS) levy before the voters."***
- C. Under the section *"To the People of Vancouver..."*, the words ***"...dramatic increases in work volume and complicated new demands..."*** were repeated and set apart from the text in large red script.
- D. Under the section *"To the People of Vancouver..."*, Chief Bivins states, ***"I hope you review the charts inside this newsletter. They graphically demonstrate why we need to act quickly to regain the ground we have lost over the past several years, and set in motion our plans for protecting the fire and safety of Vancouver area residents."***
- E. Under the section *"The Business Plan for Your Fire Department,"* the first paragraph again details the business plan recommendation to purchase three rescue units, to build two fire stations and to add additional staff. The newsletter then highlights the number of emergency responses last year and the proportion of which was for emergency medical services.
- F. Under the section *"The Business Plan for Your Fire Department,"* the words ***"...research showed that one out of six times, the closest unit is unable to respond..."*** were repeated and set apart from the text in large red script. Referring to this research, the newsletter states, ***"When every second counts at a fire or medical emergency, this is unacceptable, says Chief Bivins, fire chief."***
- G. Under the section *"Costs"*, the newsletter states, ***"Fire District No. 5 has decided to place an EMS levy before voters this winter, and the city may consider joining that effort. The money would pay for needed new apparatus, fire stations and firefighters."***

- H. Under the section "*Frequently asked questions*", are the following the statements, "*Q. Why do they send a big fire engine to every call. Can't they send something small and more efficient? A. Firefighters are expected to speedily solve life-threatening problems – from blazing fires o pediatric traumas...the fire department business plan ...recommends purchasing and staffing three small, light duty rescue vehicles to handle the Emergency Medical call load, leaving fire engines in better position to handle a fire or other emergency. Time is critical in a medical emergency, and firefighters are always there, ready to rush to the scene to give immediate and expert emergency medical care. Actually, over 80 percent of fire department calls are for medical emergencies.*"
- I. The newsletter also provided two graphs and a map to detail response times, the increase in calls and a map detailing the locations for the proposed rescue units and fire stations. (**Exhibit 9b**)
- 4.44 The winter of 2002 newsletter was distributed to Clark County Fire District No. 5 and City of Vancouver residents on January 14, 2002, for a total cost of \$19,911.24 for printing and postage and approximately \$480 (\$28 x 20 hours) in staff time. (**Exhibit 20 and Exhibit 14, JIO, p. 10 of the interview transcripts**) Postage costs were \$10,671; design costs to Gaten's Design for format and layout were approximately \$1,050. Printing costs to Graphic Arts Design were \$8,189. Chief Bivins and Mr. James, with approval from the District Commissioners, authorized the brochure. (**Exhibit 5 and Exhibit 14**) Chief Bivins stated that this newsletter was the fact sheet on the levy. (**Exhibit 17, BIO, p. 25 of the interview transcripts**) Mr. James stated that Fire District No. 5 paid for this newsletter, which was a bi-folded color brochure with graphics and photographs. The front of the brochure included a photo of firefighters rendering medical aid to a car crash victim and included the words "*Emergency Medical Services, EMS Levy, Feb. 5*" in large white type. (**Exhibit 9c**) The back of the brochure contained the words "*EMS, Emergency Medical Services, Levy is February 5, 2002. Mail ballots must be postmarked by Feb. 5*" in large red and blue type. The brochure contained a letter from Chief Bivins, graphs, and information on the EMS levy. The winter of 2002 newsletter stated the following:
- A. Under the section "*To the People of Vancouver...*," Chief Bivins stated, "*In two earlier letters to you, I've expressed my concern about the diminishing ability of the fire department to meet your needs. Rapid population growth and increasing Emergency Medical Services (EMS) calls have put the fire department under intense pressure...Last year...your firefighters responded to 2,466 motor vehicle incidents and 1,771 heart attack calls with their life saving skills and equipment. The rising volume of calls has slowed response times below recommended levels. Our community and its needs have changed...For more details about the levy, please visit our web site, www.vanfire.org...*"

- B. Under the section "*To the People of Vancouver...*," the words "***The rising volume of calls has slowed response times below recommended levels.***" were repeated and set apart from the text in large red script.
 - C. Under the section "*To the People of Vancouver...*," Chief Bivins stated, "***This levy will dedicate funds exclusively to the fire department. It would buy 3 small, maneuverable EMS rescue vehicles; build 2 new fire stations in underserved areas; and free resources for safety and training needs. Those resources would allow the fire department to improve emergency response times.***"
 - D. Under the section header entitled "*We're Listening*," includes the statement, "***In a survey conducted last fall, residents in the City of Vancouver and Clark County Fire District 5 identified the following as their highest priorities for the fire department: 1) Emergency Medical Services (EMS); 2) Fighting fires; 3) Hazardous materials response.***"
 - E. Under the section header entitled "*Background*," includes the statement, "***The fire department ...business plan...reveals...the fire department does not currently meet recommended standards for emergency responses because of rapid growth. Fire responses average 6 minutes and 14 seconds. To avoid explosive flashover, fire response should be 5 minutes or less 90% of the time. Extensive neighborhood growth on the north and east sides has created the need for 2 new fire stations to improve response times.***"
 - F. The newsletter provided a graph to detail call volume times, and a text box detailing the levy proposal of three rescue units and 2 fire stations.
- 4.45 In winter of 2002, an additional fact sheet to the winter, 2002, newsletter was made available to fire department patrons on December 7, 2001. **(Exhibit 9d)** This fact sheet was available in the fire stations, and appeared on a two-side 8x11 piece of paper. **(Exhibit 9d)** The winter of 2002, newsletter stated the following:
- A. Under the section entitled, "*Why is a levy being proposed?*," were the following statements "***Rapid population growth, increasing traffic congestion and more calls for emergency service in the consolidated Vancouver and Fire District 5 emergency services area have outstripped fire department resources... Although the fire department has cut programs, found new efficiencies, and implemented new technologies the public demands for fire, rescue and EMS services continue to grow, consuming all available fire department resources.***"
 - B. Under the section entitled, "*What will the levy pay for?*" Was the following statement, "***A Business Plan analyzed and recommended a levy to immediately address problem areas and to get the fire department back on track (See the entire Business Plan document at www.vanfire.org)***"

- C. Under the section entitled, "*Business Plan*" was the following statement, "*VFD developed a Business Plan that creates a framework for funding and providing fire, rescue and EMS services for the next three years. Extensive research was completed and the Plan was presented to the Vancouver City Council and the Fire District 5 Board of Commissioners by Fire Chief Don Bivins. The Plan corrects problems with current fire department service delivery. As one means to get VFD back on track, the Business Plan calls for an EMS tax levy request to help pay for the growing public demand for EMS.*" However, in an interview under oath, Chief Bivins stated "*The business plan did not identify what revenue source we should get and what we should do based on the revenue source.*" (Exhibit 17, BIO, p. 5 of the interview transcripts)
- D. Under the section entitled, "*Other Facts*" were the following statements, "*Over 80% of VFD/District 5 calls are for Emergency Medical Services (EMS). There were 18,583 fire and EMS calls in 2000 – expected to top 20,000 in 2001...The ten largest Fire Departments in the state all rely on special levies or outside revenue to fund EMS, Vancouver being the only exception. VFD/District 5 does NOT currently meet response time standards for emergencies. These response times are vital to protect life and property.*"
- 4.46 Chief Bivins stated that a second fact sheet was produced because it was cheaper to distribute than the Lifeline newsletter. He stated, "*We wanted to get the facts out to everybody in the community. We mailed out the Lifeline newsletter to everybody in our community. We had the 8 ½ by 11-fact sheet that has the little black oval at the top, as material that we could hand out to the general public as they came into the fire stations asking questions. We never mailed that out to anybody. We handed those out during presentations, not the Lifeline newsletter. Frankly the lifeline newsletter was printed on heavy cardstock and is relatively expensive to hand out willy nilly and the fact sheet, the 8 ½ by 11 fact sheet is easily reproducible on 8 ½ by 11 Xerox copy machine and is a lot easier, handier and cheaper to hand out to people who ask questions about our levy.*" (Exhibit 17, BIO, p. 26 of the interview transcripts)

The City of Vancouver web site - Press Releases

- 4.47 The City of Vancouver web site contains a page of news releases from city departments. On December 14, 2001, Chief Bivins issued a fire department press release entitled "*A 'Slice of American Pie' for Vancouver Firefighter,*" which details a campaign contribution Betty Lane made to the EMS committee. (Exhibit 12) The EMS committee web site also contains a web page concerning Betty Lane's contribution to the committee². (Exhibit 22) According to Chief Bivins, who authorizes new releases for the Vancouver Fire Department, he was unaware at the time of the new release that the donation Ms. Lane made was

² http://www.voteyesems.org/betty_lane_cares.htm

intended for the EMS Levy campaign. He stated that news releases are typically done *“in relation to an emergency event”* or to provide *“information that we feel the community would find useful and informative.”* (Exhibit 5, BIO, p. 12 of the interview transcripts)

- 4.48 The Betty Lane new release on the City of Vancouver web site stated in part, *“Betty Lane cooked up a sweet surprise to raise money for Vancouver firefighters by baking pies and selling them over a period of three days to residents of Smith Tower where she lives...Our thoughts and prayers are with the many families that lost loved ones in New York. Due to this tragedy, it has heightened our awareness of how important friends and families are to us. An appreciation card will also be sent thanking them for their unselfish service...Betty Lane donated \$246.60 to help the Vancouver Firefighters in their effort to provide a high quality service to the community, and was thanked by Chief Don Bivins.”* (Exhibit 10) The Betty Lane new release on the EMS levy committee web site stated in part, *“Betty is officially the first contributor to the Vote Yes EMS Levy campaign. She knew she had to do what she could to help get the message out about the urgent need for voters to understand the real issues about their Emergency Services and the potential state of crisis that is approaching. Betty sold her homemade pies to raise money for the campaign efforts...Betty made the very first contribution to the Levy Campaign Fund of \$246.60.”* (Exhibit 22)
- 4.49 Chief Bivins stated he learned that Ms. Lane’s donation was intended for the EMS committee when he contacted her, after the new release had been published. (Exhibit 5, BIO, p. 14 of the interview transcripts) After learning that the donation was related to an election, the new release was not removed from the City of Vancouver web site and can be accessed at:
<http://www.ci.vancouver.wa.us/release/2001/American-pie.shtm>.
- 4.50 On February 5, 2002, the day of the election, Chief Don Bivins authorized a press release announcing the number of emergency calls in 2001. (Exhibit 11) Previously, Tim Goss of Clark County 911 provided the raw data to Corey Ask of the City of Vancouver on January 10, 2002 in an access database. (Exhibit 15) The news release gave the 2001 calls to the Fire Department and described the 10% rise in calls. The news release contained the following statements:
- A. *“The increase last year in public demand for fire department services continues a sharp, upward trend...The largest one-year increase was in the number of Emergency Medical Service (EMS) calls...More than eight of every ten VFD calls are for emergency medical aid.*
 - B. *Over the past five years, total call volume has increased 41 percent, from the 1997 figure of 14,526 calls to the current 20,485. In the same five years, EMS calls have increased 44.6 percent and fire/rescue calls rose 27.32 percent. No new firefighting crews have been added to the VFD in over 20 years.*

- C. *Rising system demand in 2001 has further slowed fire department response times. "This is a cause for concern because quick response is critical to meet our basic role, which is to safeguard lives and property," says Don Bivins, Fire Chief. Current standards require fire crews to arrive at a fire scene within 5 minutes 90 percent of the time in urban areas. That allows firefighters to confine fire to the room of origin and prevent explosive flashover."*

The City of Vancouver web site - Fire Department web site

4.51 The City of Vancouver Fire Department has a web site located at www.vanfire.org, which contained multiples pages highlighting the February 5, 2002, EMS levy proposition prior to the election. (Exhibit 21) The web site contained the following references:

- A. The page entitled, "Every Second Counts" contained the following statements:

- 1) *"On heart attack calls: If firefighters don't arrive in four minutes or less, the chances of saving a heart attack patient declines. That's according to Roxy Barnes, EMS Administrator for the Vancouver Fire Department. Critical emergency treatment needs to happen FAST to insure brain survival. "Four-minute response helps insure that a person can return to their family and their regular activities after a heart attack," she says...Last year... the Vancouver Fire Department went on 1,771 heart attack calls. Firefighters arrived within 4 minutes just 38 percent of the time. Why? Because Fire Department resources haven't kept pace with growth in the community. A proposed EMS levy would help address the problem by funding three quick response vehicles to help firefighter-EMTs and paramedics get there faster."* (Exhibit 21)

- B. The page entitled, "Fire Department Business Plan" contained a link to the December 7, 2001 fact sheet and the following statements:

- 1) *"Gallopig growth over the past two decades has overwhelmed and exceeded the capacity of the Vancouver Fire Department. Resources have remained static with just eight fulltime stations and 10 responding units to cover the 92 square mile service area. Except for a minor adjustment in 2000, no new firefighting positions have been added during this period of rapid growth. At the same time, community demands changed substantially. Call volume grew exponentially. And, critical response times decayed to levels inconsistent with other cities of similar size."* (Exhibit 21)
- 2) *"These catch-up provisions will cost from \$2.5 to \$6 million in each of the next three years. The City Council and Clark County Fire District 5 Commissioners have decided to place an Emergency Medical Services (EMS) levy before voters this winter."* (Exhibit 21)

- C. The page entitled, *"Two-alarm fire, November 14, 2001"* contained the following statements:

1) *"A serious two-alarm apartment fire at 4408 Gibbons Street consumed all of the VFD's firefighting/Emergency Medical Services resources for several hours early Wednesday evening. Once again, crews from neighboring fire districts had to step in to try to cover other emergency calls... This frustrating condition is summed up by Chief Scott: "It's happening more and more often – about monthly – where we can't handle our calls. It's an unsafe situation for both the taxpayers and the firefighters...The VFD, together with Clark County Fire District 5, will conduct a Fire-Emergency Medical Services (EMS) levy Feb. 5, 2002 to raise dedicated funds for: three new EMS rescue units; two new fire stations; and catch-up provisions to meet safety, training and staffing needs." (Exhibit 21)*

- 4.52 Chief Bivins states that he does not authorize content on the Vancouver fire department web site. He stated, *"I normally am informed of changes to the web page after the fact."* (Exhibit 5, BIO, p. 15 of the interview transcripts) Chief Bivins stated that typically Ms. Westlake provides content for the web site and that the *"director of information services, Donna Mason"* has her Media Service department post information to its site. Chief Bivins stated that information *"is reviewed and approved by them."* (Exhibit 5, BIO, p. 15 of the interview transcripts)
- 4.53 Ms. Westlake was asked if during the creation of the business plan, she increased web site content to stress the impact of growth on fire service performance and response times. She states, *"I worked on developing web pages on everything that I could. Certainly the information in the business plan I think would have supported what you just said. However the grass roots information about what the fire department does was equally important and I worked on developing pages that simply explained what our various divisions were doing. Prior to that time I had not taken the software training for front page and we had a very, very under developed web page that didn't include any information on many of our major services."* (Exhibit 18, WIO, p. 3 of the interview transcripts)

City of Vancouver Fire Department - Equipment (phone, computer and vehicle)

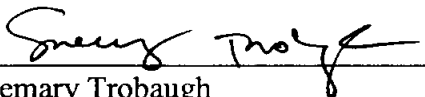
- 4.54 In an interview under oath conducted in 2002, Chief Bivins stated that he personally used public facilities in support of the EMS levy election on multiple occasions. On April 29, 2004, Chief Bivins contacted PDC staff to relay additional campaign activity he engaged in while using public facilities. (Exhibit 23) Chief Bivins stated the following public facilities were used to support the EMS levy election:

1. E-mail account - Chief Bivins used his e-mail account on approximately six occasions concerning campaign correspondence. **(Exhibit 25 and Exhibit 5, BIO, p. 24 of the interview transcripts)**
2. Use of city vehicle - Campaign material were stored in Chief Bivins' City of Vancouver vehicle to distribute to *"people who were working on the phone banks to get that information out as follow up information for people who had questions about it."* **(Exhibit 5, BIO, p. 24 of the interview transcripts)**
3. Staff time - Chief Bivins stated he passed out this campaign material while he was on-duty. **(Exhibit 5, BIO, p. 25 of the interview transcripts)**
4. Use of city telephone - Chief Bivins stated that he contacted *"Marty James and Mike Worthy and Bob Knight on probably several occasions"* to discuss campaign related activity while on his lunch break. **(Exhibit 5, BIO, p. 25 of the interview transcripts)**
5. Authorized use of facilities - In December 2001 or January 2002, Richard Curtis, a fire captain in the city fire department, and volunteer for the EMS levy committee, asked Chief Bivins if he could leave campaign materials at the fire captain's office. Chief Bivins said he told Mr. Curtis to do what he needed to do. Chief Bivins said by making that statement, he realizes that he gave tacit approval for Mr. Curtis to leave the campaign materials in his office at the City of Vancouver. **(Exhibit 23)**
6. Use of city vehicle - Chief Bivins said he drove a vehicle owned by the City of Vancouver for a meeting with the county director of the American Medical Response (AMR), a private company that has contracted with the City of Vancouver to provide emergency transportation services in life threatening situations. At the lunch meeting, the AMR representative said he wanted to talk about the upcoming EMS levy. He said AMR wanted to provide financial support for the levy effort, but wanted certain conditions met in exchange for that support. The condition requested by AMR was that the City of Vancouver drop its proposal to purchase a "transport capable unit" which could be used by the city fire department to transport individuals in life-threatening situations. Chief Bivins said he believes AMR felt threatened by the possibility of the city providing the type of services that AMR was providing. Chief Bivins said the city only wanted the vehicle to provide care to fire fighters should they encounter a life threatening situation while performing their duties. He said the city had no intention to compete with AMR. Chief Bivins said he did not commit on the proposal for support. **(Exhibit 23)**
7. Solicitation for campaign contribution while on staff time - Three weeks later, a previously planned joint meeting between administrators of AMR and the Vancouver Fire Department was held to "build bridges of

communication” between the two groups. Chief Bivins said that at that meeting he commented to the county director of AMR that his position had not changed about how the EMS levy funds would be used, and said that he wanted the support of AMR but not at the price asked. Chief Bivins said he made a “tongue-in-cheek” comment that the levy committee would like financial support in an amount that had “lots of zeros” in the number. According to Chief Bivins, AMR eventually gave a contribution of \$2,500 to the levy committee. Chief Bivins said he wanted to disclose that he was uncomfortable with having solicited a campaign contribution for the EMS levy committee while at an official city meeting. He also said he tried to tell AMR that the fire department would not change its plans on how to spend the EMS money, but wanted the financial support of AMR. (Exhibit 23)

- 4.55 Ms. Westlake stated that she personally used public facilities in support of the EMS levy election on multiple occasions. She stated that she used her computer and printer for approximately an hour to create a campaign brochure with brochure software. (Exhibit 18, WIO, p. 8 of the interview transcripts) Ms Westlake stated that while at work, *“I think that we did get calls from people who wanted information about the levy and we just simply redirected them to the campaign phone number. We also had people coming in the front door frequently asking for Vote Yes for EMS signs and we redirected those people to the campaign.”* (Exhibit 18, WIO, p. 9 of the interview transcripts) In addition, the EMS committee webmaster, Theresa Baker stated that she inadvertently posted Ms. Westlake’s City of Vancouver e-mail address on the campaign website. She stated that Ms. Westlake immediately informed her to remove it. (Exhibit 16)
- 4.56 PDC Staff completed the report of investigation on August 5, 2002 and made minor editing changes on November 5, 2004.

Respectfully submitted this 10th day of November, 2004.



Suemary Trobaugh
Sr. Political Finance Specialist

EXHIBIT LIST

- Exhibit 1** Letter of complaint filed on January 30, 2002, by Kelly Hinton.
- Exhibit 2** City of Vancouver business plan memorandum to department managers from Pat McDonnell, Vancouver City Manager.
- Exhibit 3** Faxed letter of response from Judy Zeider, Assistant City Attorney for the City of Vancouver received March 5, 2002. Hardcopy of letter received March 8, 2002.
- Exhibit 4** The Yes for Fire-EMS committee's two-minute campaign commercial.
- Exhibit 5** Interview transcripts for March 18, 2002, interview under oath with Chief Don Bivins.
- Exhibit 6** Interview transcripts for March 14, 2002, interview under oath with Jim Demmons, Manager of Vancouver Cable.
- Exhibit 7** Interview transcripts for March 15, 2002, interview under oath with Marilyn Westlake, VFD's Education Outreach Coordinator.
- Exhibit 8** E-mail from EMS committee Webmaster, Theresa Baker of TNT Webcrafters.
- Exhibit 9a** Vancouver Fire Department's newsletter Lifeline, summer of 2001 edition.
- Exhibit 9b** Vancouver Fire Department's newsletter Lifeline, fall of 2001 edition.
- Exhibit 9c** Vancouver Fire Department's newsletter Lifeline, Winter of 2002 edition.
- Exhibit 9d** Vancouver Fire Department's fact sheet.
- Exhibit 10** City of Vancouver Fire Department press release dated December 14, 2001, entitled *A 'Slice of American Pie' for Vancouver Firefighters*.
- Exhibit 11** City of Vancouver Fire Department press release dated February 5, 2002, on the number of emergency calls in 2001.
- Exhibit 12** Interview transcripts for April 23, 2002, interview under oath with Pat McDonnell, City Manager.
- Exhibit 13** Select pages from Vancouver Fire Department's business plan.
- Exhibit 14** Interview transcripts for May 7, 2002, interview under oath with Marty James, Administrator, Fire District No. 5.

Report of Investigation
PDC Case No. 02-286

- Exhibit 15** Staff memo on telephone conversation with John Talbot, Assistant Director of Clark County, 911.
- Exhibit 16** Staff memo on telephone conversation with Theresa Baker, Webmaster for the Yes on EMS committee.
- Exhibit 17** Interview transcripts for April 11, 2002, interview under oath with Chief Don Bivins.
- Exhibit 18** Interview transcripts for April 11, 2002, interview under oath with Marilyn Westlake, Fire Department Public education coordinator.
- Exhibit 19** Letter of response from Judy Zeider received May 9, 2002.
- Exhibit 20** Letter of response from Marty James received May 24, 2002.
- Exhibit 21** City of Vancouver web site content with EMS levy references.
- Exhibit 22** The EMS committee web site page concerning Betty Lane's contribution to the committee.
- Exhibit 23** PDC staff memo to file regarding April 29, 2004 call from Chief Bivins to relay additional campaign activity he engaged in while using public facilities.
- Exhibit 24** City of Vancouver City Council retreat notes from June 11, and August 29, 2001.
- Exhibit 25** EMS Levy e-mail correspondence.

JAN 30 2002

Certification for a
Complaint to the Washington State Public Disclosure Commission Relating to an
Elected Official or Candidate for Public Office
(Notary Not Required)

Public Disclosure Commission

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: _____

Your printed name: Kelly J. HintonStreet address: 14215 NE 69th StCity, state and zip code: Vancouver, WA 98682Telephone number: 360.891.0692E-Mail Address: (Optional) educationproject@attbi.com

Date Signed: _____

Place Signed (City and County): Vancouver, Clark

City County

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

I am alleging a complaint based on a violation of RCW 42.17.130 against officials of and on the "Yes on EMS" Campaign for the Fire District 5 levy, to be held here in Clark County on February 5, 2002. In addition, I am adding the Vancouver City Attorney to the complaint for using government resources for a campaign-related purpose. In addition, the "Yes on EMS" website links to an official government site and utilizes official government emblems on its fact sheets, showing endorsement of the election.

Complaint One: TV Commercial

Basis One for this complaint is that the Campaign violated the RCW by showing a commercial on cable television on the ATT system here in Clark County that utilized government equipment, structures, personnel, uniforms and assets for the specific purpose "promoting... a ballot proposition."

The commercial (recorded and enclosed) opens with Engine 86 leaving a fire station, and then, apparently, pulling up at it's destination. Unfortunately, I haven't been fast enough to record that part of the commercial.

Then, it shows three fully uniformed firefighters pulling equipment from a fire engine. A screen comes up that says "Vote Yes, voteyesems.org, FIRE-EMS Support YOUR Fire Fighters"

EXHIBIT I

Page 1 of 4

The screen then shows what is called "three economical paramedic rescue vehicles" with a voice-over claiming that it will "buy and staff" these vehicles.

It then shows a uniformed firefighter from a camera-inside-the-vehicle-view, tending to someone acting as if they had been injured in a car accident.

The video next shows Engine 86 sitting in a fire station, with its lights on and rotating.

The next screen has four scenes in it of three uniformed firemen at three locations treating three different people at the same time, while the fourth scene is a smaller version of the sign shown earlier.

The last scene has the sign become full screen, and the last words in the voice-over are "Vote yes on EMS."

There is absolutely no doubt that this footage originated from and at the behest of Fire District 5. The question then becomes: was the footage taken as a result of the normal business of the agency. I believe the facts will show that it wasn't.

The commercial, I am told by the city attorney (who I do not believe should have become involved in this matter) was made up of "stock footage" filmed in "July and August of 2001 for the purpose of producing an educational and informational tape for the Vancouver Fire Department which has not yet been completed."

The problem with this perspective is that were such practice acceptable, any agency anywhere could utilize government assets to support any election, levy or bond issue, as long as they did so under color of setting up such support for some other vague, undefined purpose. The fact is that this footage was filmed in the midst of the deliberations that resulted in this levy; that its purpose was supposed to be for a now-unfinished/unreleased "educational and informational" film that may NEVER be released, and it's use for this purpose is an obvious violation of the letter, spirit and intent of the RCW.

The fact is that if his footage was filmed for this purpose, then it should be limited to this purpose. The city attorney's position (provided to me both via fax and email) is that there is no violation. "... No City officials or staff used City resources to produce the commercial in question and there has been no violation of RCW 42.17.130."

The problem is that the Chief of the Vancouver Fire Department is listed as the Campaign Chairman, according to PDC forms for this campaign. The connection to "city officials" then, cannot be in dispute.

I gave everyone I could find involved with the Campaign the opportunity to reply to my concerns before this complaint went forward. The only response I received was from the City Attorney, who was not emailed, and who's involvement appears to me to be yet an

additional violation of the RCW as he became involved in a campaign-related issue on official government time and equipment (namely, computers, faxes and staff time.)

Complaint Two: City Attorney involvement.

This is absolutely a campaign related matter. My concerns were addressed specifically via email to the individual listed as campaign manager, and one of the two individuals listed as co-campaign Chairs. Yet the response I received, using government time, staff and facilities, was from the Vancouver City Attorney. The City Attorney's efforts were an attempt to provide a de facto defense for the campaign, and that is an illegal use as I understand the statute, of government time, money and assets. (Fax from City Attorney attached)

Late Friday, January 24, I received an email from Mike Worthy, CEO of The Bank of Clark County and one of two Campaign Co-Chairs, who responded to my initial inquiry by using language provided, apparently, by the City Attorney. (Attached) This response was a result of an inquiry I directed to the campaign and it's leaders. That the campaign, in the form of one of the co-chairs, used language provided by the City Attorney is yet an additional violation of the prohibition of using government assets in support or opposition to a ballot measure.

Complaint Three: Web Site

The Campaign web site - voteyesems.org has a variety of links to various sites. One of these sites contains a "fact sheet" (enclosed) that has official Vancouver Fire Department and Fire District 5 insignia on it.

The "VOTE Yes on EMS" site also contains a link to an official government site - Vancouver Fire Department (which includes a PDF download that appears to be campaign related, albeit thinly veiled as a "business plan.")

The use of the insignia on a campaign "fact sheet" is an obvious violation.

The link to the VFD web site and its "newsletters" may be such a violation, based on the linkage itself, and the content of the newsletter.

Those requested to be investigated:

The Campaign Manager, Vancouver Fire Department Chief Don Bivins,

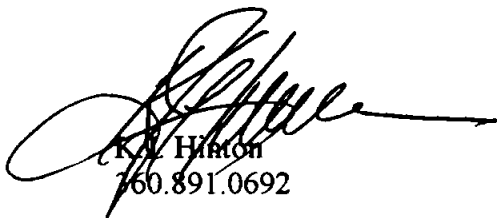
"VOTE Yes EMS" Co-Chairs, LTC Bob Knight, US Army (ret'd)
Mike Worthy, CEO Bank of Clark County

Vancouver City Attorney, Ted Gathe

Jeff Williams, who I have been told was involved in developing the footage initially with CVTV, and then using it as a paid campaign consultant for the "YES on EMS"

Campaign, and who I have been informed is the "representative of the Yes on EMS Campaign" mentioned in the City Attorney's communication.

I swear, to the best of my knowledge, that the forgoing is true and correct.



K. J. Hinton
760.891.0692

enclosures

1. Fact sheet with VFD and FD5 insignia
2. Fax from Ted Gathe (City Attorney)
3. Email from Mike Worthy (Campaign Co-Chair)
4. Video of commercial.



MEMORANDUM

To: City Department Heads and Division Managers
From: Pat McDonnell, City Manager
Date: January 24, 2001
Subject: Departmental Business Planning

We need to approach all aspects of city government as businesses that must survive in a highly competitive world. It is not enough to simply provide good customer service as we have in the past. - we must constantly strive to improve our *value* to the citizens. Business planning is a basic step to understand how your department operates and provides a framework to examine alternatives to "business as usual".

I do not want this to become just another administrative requirement from City Hall. I am not going to roll out a "one-size-fits-all", city-wide program for all departments to crash on for the next four months - then forget. We will roll this out slowly, methodically, and learn as we go. If we do it right, you will have the tools - and desire - to continue the process internally regardless of what I require.

We will initially focus on the major issues that must be addressed within each department. The plans will build around the options and analysis required to make good business decisions for those specific issues. I expect you to ask the hard questions, see what other successful organizations are doing, and come to me with viable solutions.

You are the leaders, the CEOs of your organizations. Tell us how you are going to be successful in your market with the resources you have available. Show us how you are going to do it. If the financial part of your business plan isn't good enough to go to the public in the current financial climate, you should reconsider what you are proposing and how to make it viable.

Attached to this memo are the key questions and answers for you as managers, as well as the planning steps you would typically use to develop a plan. At the bottom of this memo is a list of reference appendices (and where to find them) that are intended as tools to help you understand how this type of planning fits into the overall scheme of things. These references should be useful, but do not get hung up on the plan format or on making it a "pretty" presentation. Focus on the issues.

Each department and work group has unique goals and plans related to the services they provide. You will have guidance from city council, specific performance expectations from the City Manager, and internal issues that you identify to focus your efforts and analysis. This means there will be a great deal of diversity within the plans based on your specific focus and chosen approach. I expect and encourage diversity.

You are not alone. We have resource people to assist you in the *process* of planning and will find additional resources where they are truly needed. As issues arise, we will help sort them out and develop solutions with you – but not for you. We will use external controls and oversight where appropriate, but will strive to give you the autonomy to operate your departments as businesses.

It is an exciting time, and I look forward to the challenge.

(original signed January 24th, 2001)

Download this document and the complete appendices:

Web address: [\\cvnt65\citywide\budget](http://cvnt65\citywide\budget)

Network address: L:\ \\cvnt65\citywide\budget

Appendices available online:

Appendix A: EXPANDED ANALYTICAL STEPS TO DEVELOP A BUSINESS PLAN

Appendix B: SAMPLE ELEMENTS OF A FIRE DEPARTMENT BUSINESS PLAN

Appendix C: HELPFUL BUSINESS PLANNING DEFINITIONS

Appendix D: PLANNING AND PLANS: HOW DO THEY ALL FIT TOGETHER?

Appendix E: ADDITIONAL RESOURCES

Appendix F: EXPECTED COMPLETION SCHEDULE BY DEPARTMENT

KEY QUESTIONS AND ANSWERS ON BUSINESS PLANNING

* **Why institute business plans?** There are three main reasons:

- a. To provide a communications vehicle for the citizens of Vancouver (shareholders) to understand how we critically examine and prioritize our business processes.
- b. To provide a consistent context for the city manager and council to make policy decisions about programs and services.
- c. To be a tool for department level business manager to critically analyze their major business practices and how they provide services, quantify their performance against external benchmarks, and provide sound solutions to the challenges presented to them. *In essence: to fully own your area and manage it as a business.*

How long is a business plan "good"? Our plans will look out to a 3-5 year planning horizon. Depending on the stability of your organization and the type of issues you need to address, it would be updated at least in part every 1-3 years.

When should I begin this process? Some of you are already planning like commercial businesses, and should continue to do so. We will focus much of the effort on Fire, Police, and Parks & Recreation in 2001, but encourage others to begin asking the critical questions and developing solutions on an optional basis. All should have a business plan by June 2002. When you are ready to begin, contact our Performance Analyst (Tom Nosack) to lay out the process with your management team. When you are ready after that, you may schedule a one-on-one with me.

Culmination of plan development is a presentation to City Council for review, discussion and acceptance. Success is defined as a workable plan accepted by the council.

* **What do I do with it when the plan is done and accepted?** First, disseminate it to your department and customers. They need to know the plan if you want them to support it!

Second, use it as the basis to develop work plans and projects within your "business".

Third, refer to it regularly and update it as your business or market changes. It will be an excellent road map to keep you on track with your core businesses!

What resources will the city provide? The city will provide process consulting – assistance with the planning process, identifying potential performance measures, and helping to identify sources of benchmark data.

We also have trained facilitators that can assist with outcome-oriented meetings.

What will the process be? You will start the process with input from three sources:

- a. You will have a one-on-one with the City Manager to discuss what he believes are the major issues to address from his viewpoint. You should also expect to develop specific performance objectives and outcomes or products related to those issues.

b. City council may provide specific focus areas or issues as a result of their offsite workshop or other forums.

c. You will have internally developed issues that are important to you or your organization that may differ from the focus the City Manager or Council provides.

With these three inputs, you will develop your business plan – probably by following the series of questions in the next section. When you think the plan is complete, you will return to the City Manager and discuss it in detail. If there are additional areas to address or more analysis is required, this is when it will be identified.

When the plan is acceptable to the City Manager, you will present it to the City Council, focusing on the major issues and solutions. Budget implications and related issues will be available to the council through staff members at the same time to make sure the plan is supportable. When the business plan is acceptable to the council, it will be published on a city web page. The plan will then be used by the city as the basis for the next budget cycle development, and as a performance indicator for your department.

* **How do I begin planning?** There are many ways to do business planning. Our recommended process is described below in ten general questions. (For the expanded versions of these questions, see Appendix A) Developing detailed answers to each question will provide you everything necessary to put together your initial business plan. Remember that this is a guide - not all questions will be applicable to your organization.

1. Who are we? Assemble all planning guidance you have been given along with an overview of your department and any existing mission & goals you have developed.
2. Who are my customers and market over the next five years?
3. What are my lines of business?
4. What are key performance measures that quantify the impact of businesses on our customers?
5. What resources are required to meet current service levels?
Resource Categories: (Identify total requirement initially; discuss funding source later)
6. How do we currently fund the services?
7. What are my future goals and the strategy to achieve them?
8. What are my resource needs to meet the future service goals?
9. How will we fund the resources to meet my service level goals?
10. What are the major risks to our plan and how will we minimize them?

* **Where do I go when I have questions?** Tom Nosack, Performance Analyst (696-8059)

CITY OF VANCOUVER

Appendices to Departmental Business Planning Memorandum

APPENDIX A: EXPANDED ANALYTICAL STEPS TO DEVELOP A BUSINESS PLAN.....	2
APPENDIX B: SAMPLE ELEMENTS OF A FIRE DEPARTMENT BUSINESS PLAN.....	4
APPENDIX C: HELPFUL BUSINESS PLANNING DEFINITIONS.....	5
APPENDIX D: PLANNING AND PLANS: HOW DO THEY ALL FIT TOGETHER?.....	6
APPENDIX E: ADDITIONAL RESOURCES	7
APPENDIX F: EXPECTED COMPLETION SCHEDULE BY DEPARTMENT	9

Appendix A: EXPANDED ANALYTICAL STEPS TO DEVELOP A BUSINESS PLAN

This process is provided as a guide. It is not the only way to business plan, but if you follow the sequence and develop the information required at each step you will have answered all of the key questions needed. Not all questions will be applicable to your organization.

1. Who are we? Assemble all planning guidance you have been given along with an overview of your department and any existing mission & goals you have developed
 - Who are we - Mission, vision & values
 - What are we - Organization of department
 - How do we fit in - How we support or tie into the City's strategic plan
 - What are the key or special issues we need to address?
 - How did we develop the plan (process, sources of information, etc)
2. Who are my customers and market over the next five years?
 - Demographic changes as projected by State and County
 - Market Analysis of customers to include survey results
 - Competitors and potential competitors
 - Strategic partnerships that affect market (current and potential)
 - Other plans that drive my requirements and process
3. What are my lines of business?
 - Core programs and services
 - Mandated
 - Essential
 - Optional – and why they are core?
 - Other (non-core) programs and services
 - Mandated
 - Essential
 - Optional
4. What are my key performance measures that quantify the impact of my businesses on our customers?
5. What resources are required to meet current service levels?
Resource Categories: (Identify total *requirement* initially; discuss funding source later)
 - Funding
 - FTEs or hours
 - Other
 - Compare/discuss resource allocation of core vs non-core businesses
6. How do we currently fund the services?
 - Budget
 - Fees
 - Sources of grants and matching funds

EXHIBIT 2
Page 6 of 13

- Partnerships
- Alternative income sources
- Other

7. What are my future goals and the strategy to achieve them?

- Specific: Expressed as the performance measures you stated in step 4, plus any new ones
- Short term
- Long term (if different from short term)
- Can include an overall strategy of service delivery, if new or different
- Can include milestones, intermediate goals

8. What are my resource needs to meet the future service goals?

- Funding (include technology upgrades)
- FTE increases and their basis
-
-
- Capital requirements (New facilities, leases, or remodels over \$5000 and furniture or equipment purchases over \$5000 for a single project or location and IT/computer equipment purchases over \$800)

9. How will we fund the resources to meet my service level goals?

- Overall Strategy (if applicable)
- Savings from reduction or divestiture of services
- Budget
- Fees
- Sources of grants and matching funds
- Partnerships
- Alternative income sources
- Other organizational improvements or internal initiatives

10. What are the major risks to our plan and how will we minimize them?

EXHIBIT 2
Page 7 of 13

Appendix B: SAMPLE ELEMENTS OF A FIRE DEPARTMENT BUSINESS PLAN

**SAMPLE only - Not
official VFD
Information!**

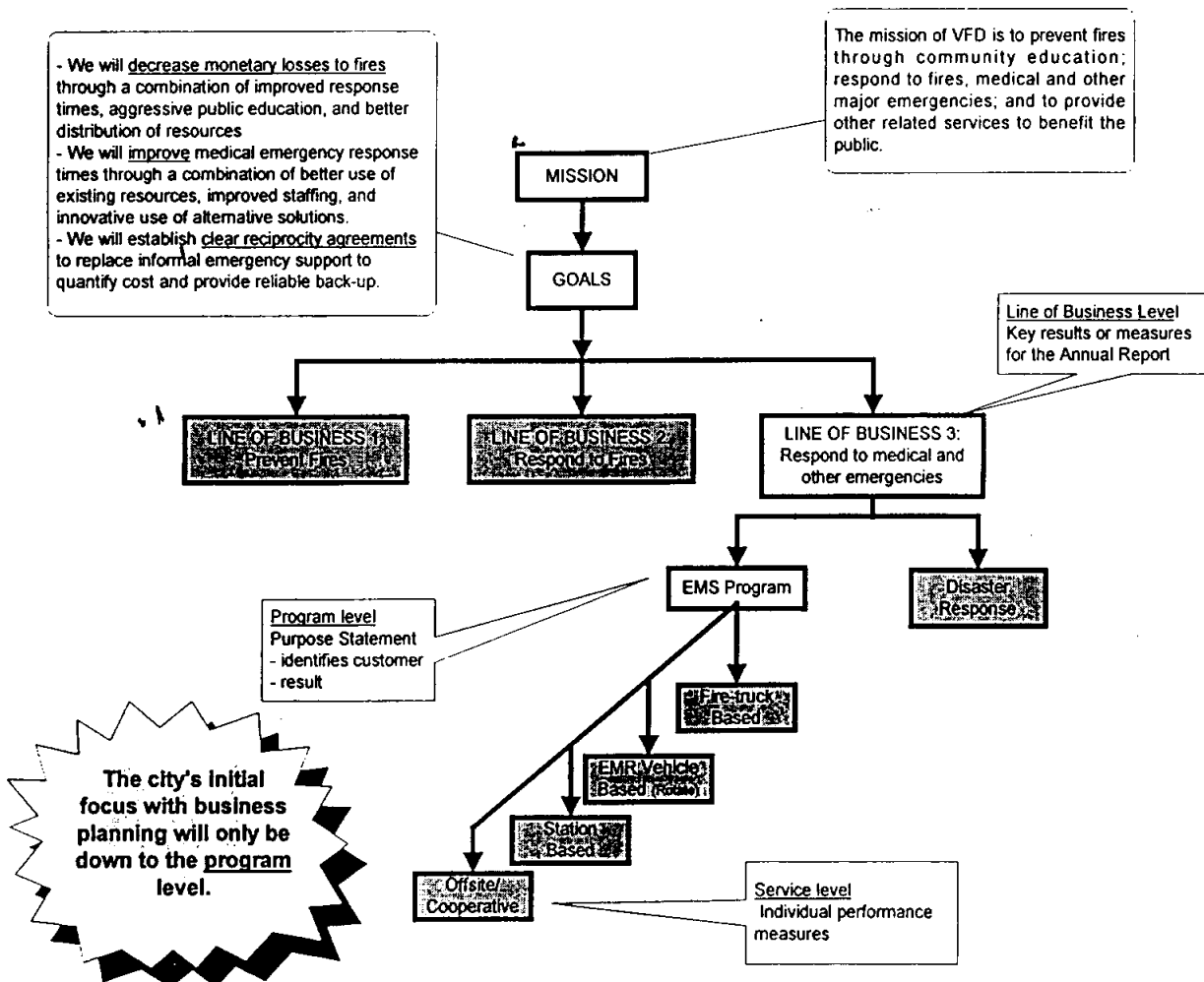


EXHIBIT 2

Page 8 of 13

Appendix C: HELPFUL BUSINESS PLANNING DEFINITIONS

Mission	<ul style="list-style-type: none"> • Should be a clear and concise statement • Identifies the purpose of program/service/department (What we provide) • Identifies the primary customer and desired results (Why?) • Seldom changes and is a communication tool for all stakeholders
Goals	<ul style="list-style-type: none"> • Relate directly to elements of the mission statement – how mission will be accomplished • Identify <u>specific and measurable results</u> that directly relate to the desired outcomes of programs and services • Should be action oriented with a verb as the first word • Establish expectations for a 2-5 year period • Should be able to identify resources that support each goal
Strategies	<ul style="list-style-type: none"> • Should have a set of strategies for each goal • Are more specific than goals • Outline specific steps to be taken over a biennium • Relate to specific programs or initiatives that are funded • <u>Department level strategies</u> may be program mission statements • <u>At program level strategies</u> may be specific action items • Should be able to identify budget dollars • Should be action oriented with a verb as the first word
Line of Business	<ul style="list-style-type: none"> • A group of programs or services that share common results or customers. • Each has key results or outcome measures • Collectively, a department's lines of business are all of their major operations.
Program	<ul style="list-style-type: none"> • A group of services that share a common purpose. A line of business may have multiple programs. • Specific result and set of performance measures for it. • The customer and cost of each program should be identified.
Service	<ul style="list-style-type: none"> • A logical grouping of related activities with a common purpose. • Lowest level of business planning we will do
Performance Measures	<ul style="list-style-type: none"> • Relate directly to specific program goals • Should be a balanced group of metrics applicable for 1-5 years • Types of measures: <ul style="list-style-type: none"> - Demand: Level of service expected or needed by the customer - Outcome: Quantifiable impact on customers. (What will be changed by this program?) - Output: Volume of services or products provided - Resource use and productivity: efficiency, leverage, cost/benefit, unit costs (in dollars or time) - Workflow/Process: Quantity of work done in a specified period of time - Workplace/workforce investments: employee satisfaction, automation, training, employee skill levels or certifications • Only a few measures are needed
Action/Work Plans	<ul style="list-style-type: none"> • Identify specific actions/work plan tasks for each strategy • Assigns responsibilities to an individual or team • Defined timeframes, milestones and resources
Resources	<ul style="list-style-type: none"> • Identified budget requirements for specific line of business, program or strategy • Usually dollars, staff or staff hours, but can be space or other measures
Peer Review	<ul style="list-style-type: none"> • Recommended review of your business plan to make sure its on target. It is not the extensive involvement that is part of strategic planning, but a reality check for both content and style.

L. 2
Page 9 of 13

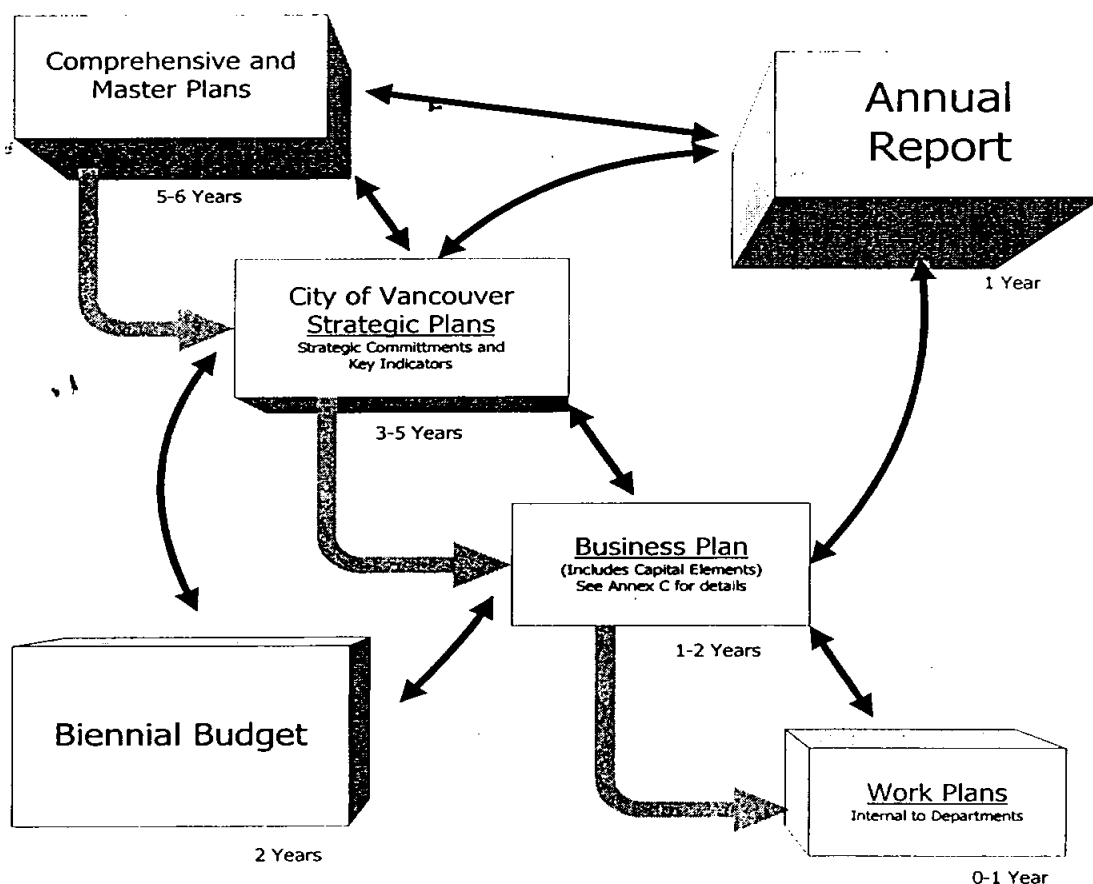
Appendix D: PLANNING AND PLANS: HOW DO THEY ALL FIT TOGETHER?

(years indicate length of planning horizon)

Master plans and comprehensive plans normally provide general direction with a planning horizon of 15 to 20 years, and are updated in 4-6 year cycles. By their nature, they usually cover more than a single jurisdiction or municipality. They normally do not address resource details or specific performance measures.

Strategic Plans usually provide direction out to 10-15 years, and are updated about every 2-5 years. They normally have performance indicators to track and report upon. They may address resources in a general sense but usually do not have specific funding sources identified by year.

Business plans include specific performance measures, costs and funding sources. They have a 3-5 year planning horizon and are updated every 1-3 years.



Key to Symbols



Information Exchange Required



Plan used to develop next level

EXHIBIT 2

Page 10 of 13

Appendix E: ADDITIONAL RESOURCES

In this Annex are a few resources that may be of use to you. Some are related to general Business Planning, others are specific to municipal governments.

A. Web Sites:

City of Portland, OR 2000 annual report:

<http://www.ci.portland.or.us/auditor/audser/pdfs/270.pdf>

Performance Management Network discussion topics:

<http://www.pmn.net/contributions/index.html>

Rutger's University's primer on performance measurement in government:

<http://www.rutgers.edu/Accounting/raw/seagov/pmg/perfmeasures/index.html>

Selected innovation and performance success in government, by State

<http://www.gol.org/bestof.html>

ASPA's Center for Accountability and Performance links:

<http://www.aspanet.org/cap/weblinks.htm>

A huge list of performance sites and references, including a number of Oregon cities:

<http://www.econ.state.or.us/opb/sampler.htm>

From the National Partnership for Reinventing Government:

<http://www.npr.gov/library/review.html>

B. Staff:

Tom Nosack

Performance Analyst

Paul Lewis

Budget & Planning Manager

C. Other:

The next page is an information sheet on some of the positive effects of adopting business planning within an organization. It may be helpful as a discussion tool or as a resource to introduce business planning to those who are not familiar with its merits.

E1. 2
Page 11 of 13

POSITIVE EFFECTS OF BUSINESS PLANNING

- **Clarifies Department/Program Purpose.** In general, business plans should clarify the purpose of a department or program that already exists. It should be the bridge between the City's strategic plan, your service area strategic plan/goals and the annual work plans for your programs. It should clearly articulate what you are trying to accomplish, where you are investing resources and how you will measure your success.
- **Aligns Activities and Resource Allocation.** The business plan should demonstrate how each of the funded programs or activities relates to the overall program/department goals. Funding should follow programs to allow identification of resources that are allocated to each goal. The plan should also identify how you will measure the success of your efforts. Business planning may also identify inappropriate program structure and the need for better program definition.
- **Improves Service Delivery.** Completing business plans should provide work teams and management teams the ability to identify service delivery objectives and ways to measure whether those objectives are being achieved. If the business plans are not relevant to the actual work and how it can be improved then the efforts to complete the plans should be reconsidered.
- **Establishes Consistent Planning Expectations.** The business plan framework should be applicable at the department, program and work team level. While the specific elements and products of individual operating plans will vary the critical elements and outline should be similar. Having a similar framework will improve how we hold ourselves accountable both internally and with the public.
- **Establishes a Communication Tool for Council, Employees & the Public.** The business plan has both an internal and external audience. It is not a work plan (mostly internal) or a strategic plan (mostly external) but should have elements of both as content. The links to the strategic plan should be clear but the business plan should be a brief, stand-alone piece.
- **Guides Specific Work Plan Tasks.** The goals, strategies and priorities identified in the business plan should drive the individual work plans. Business plans identify *what* needs to happen, while the work plan shows *how* the planned things will get done. Work plans should include responsibilities, resource commitment and timing expectations for each program, activity or project identified in the business plan.
- **Provides a Tool to Monitor Progress.** The status of the business plan should be reviewed periodically (1-2 x/year) to assess progress on results, reinforce areas of focus and to validate priorities.

Appendix F: EXPECTED COMPLETION SCHEDULE BY DEPARTMENT

<u>Department / Service Area</u>	<u>Needed for 2001?</u>	<u>Month & Year Expected</u>
* [Fire	YES	
Parks & Recreation	YES	
Police	YES	
Budget Office	NO	
City Attorney Office	NO	
City Manager Office	NO	
Community Services	NO	
Construction	NO	
Development Review Services	NO	
Economic Development Department	NO	
Finance Services	NO	
Government Relations Department	NO	
Human Resources	NO	
Information Services	NO	
Information Technology	NO	
Long Range Planning Services	NO	
Operations Center	NO	
Procurement	NO	
Public Works Department	NO	
Solid Waste	NO	
Support Services Department	NO	
Training & Development	NO	
Transportation	NO	
Utilities Engineering	NO	
Water Resource Center	NO	
All Others	NO	

EXHIBIT 2
Page 13 of 13



P.O. Box 1995 • Vancouver, WA 98668-1995
www.ci.vancouver.wa.us

March 5, 2002

Mr. Philip E. Stutzman
Director of Compliance
Public Disclosure Commission
711 Capitol Way, Room 206
P.O. Box 40908
Olympia, Washington 98504-0908

VIA FACSIMILE TO 360-753-1112 – REGULAR MAIL TO FOLLOW

RE: City of Vancouver Response to Complaint filed by Kelly Hinton – PDC Case #02-286

Dear Mr. Stutzman:

This is the City of Vancouver's response to the above complaint and to your specific request for information dated February 13, 2002.

The City appreciates Ms. Trobaugh's willingness to extend the deadline for response to today, March 5, 2002.

Ms. Trobaugh also clarified that your office wishes the City to focus its response on the issues of:

- 1.) Whether City resources were used to produce for and provide to the "VOTE Yes EMS" Committee materials for the two items sent to the PDC by Mr. Hinton – i.e. the political advertisement video and the two-page "Facts on the Fire – EMS Property Tax Levy" document; and
- 2.) Specifically, whether the City gave permission to the "VOTE Yes EMS" Committee to use the Vancouver Fire Department logo on the Committee's website.

Summary Response:

It is the City's position that no City or other public resources or facilities were used to improperly promote or oppose the levy.

Letter to Philip Stutzman
Director of Compliance
Public Disclosure Commission
PDC Case #02-286
March 5, 2002
Page 2

In brief:

- The video footage seen in the VOTE Yes on EMS Committee levy commercial was obtained by a Committee agent/consultant under a public record request in January 2002 to the City/County Cable Television Office. The footage was from in-stock video taken in the summer of 2001 for a Fire Department informational video similar to informational videos made for other departments. RCW 42.17.270 prohibits inquiring into the reason for a public record request. We see no support in Ch. 42.17 RCW for denying a request even if the requesting party indicates a copy of a public record is to be used in a campaign video.
- The EMS Fact sheet (with logos) attached to Mr. Hinton's complaint was one taken from a link on the Committee website to the City/Vancouver website. (No links were established on the City/Vancouver Fire Department website to the Committee website). The fact sheet was developed by the City as its "fair presentation of the facts" regarding the levy. The sheet was distributed to the public to respond to questions about the levy in an efficient manner. It was distributed via hard copies and was also posted on the City/Vancouver Fire Department website. No permission for the Committee to link to the fact sheet on the City/Vancouver Fire Department website was asked for or given.

Attached are individual declarations of Chief Don Bivins, Vancouver Fire Department, Ted Gathe, Vancouver City Attorney, and Jim Demmon, Cable Television Manager for City/County Cable Television Office, along with attachments that detail this information.

The City, Chief Bivins, Mr. Gathe, and Mr. Demmon deny that City facilities or resources were used to promote the EMS levy campaign in violation of RCW 42.17.130.

Background:

The City of Vancouver and Clark County Fire District #5 entered into an interlocal agreement effective April 1, 1994, whereby the Fire District maintained its separate legal existence and taxing authority and the City of Vancouver, through its Fire Department, would provide fire and emergency services to both the City of Vancouver and unincorporated area of Fire District Five outside the City limits of Vancouver.

City departments were called upon by the City Manager and Council in the late 1990's to develop business plans to assess and implement efficiencies in the delivery of City services. The Vancouver Fire Department (in cooperation with Fire District #5) began work on its business plan in _____, were assisted by the City's Performance Auditor, and presented the plan to City Council and the District Commissioners in August, 2002. Although the Fire Department was the first to complete its business plan, all other departments have been required to do business plans. The Police and Parks Departments are scheduled to complete and present their business plans to Council in the Spring of 2002.

Letter to Philip Stutzman
Director of Compliance
Public Disclosure Commission
PDC Case #02-286
March 5, 2002
Page 3

The Vancouver Fire Department Business Plan recommended a number of steps to address static resources and growing public demand for services, one of which was for both Fire District #5 and the City to place EMS levies before the voters to fund the EMS portion of the City budget.

The Vancouver City Council voted on November 5, 2001, to place a levy on the February 5, 2002, ballot and the Fire District Commissioners took their vote on November 6, 2001, to place the District levy on the same ballot.

Issue #1 - TV Commercial

The substance of the complaint is that footage of Vancouver firefighters and / or facilities which appears in a pro-levy television commercial sponsored by the "VOTE Yes on EMS" Committee was produced for that purpose by the City.

This is not the case. The footage was shot by the City/County government cable access studio staff (CVTV - Channel 49) in the summer of 2002 as part of the production for a Fire Department informational video.

By way of background, as part of its cable franchise, and as authorized by state and federal law, the City of Vancouver has since 1980 reserved a number of cable television channels for Public, Educational Governmental ("PEG") access.

Under an interlocal agreement with Clark County, the City and County have funded a joint governmental cable access office which produces informational programming for the government access channel (CVTV-Channel 49) as well as a variety of other video materials used for internal City and County staff training and for general public information.

CVTV has produced a number of informational videos regarding various city and county departments and programs. They may be shown on Channel 49 and are also used in community presentations. Attached as Exhibit C to Jim Demmon's Declaration is a copy of the 2001 annual report for CVTV showing programming produced in that year, including nine (9) informational videos.

Also, as indicated in Mr. Demmon's Declaration, a .25 FTE CVTV staff member position is funded by the Fire Department budget to produce training tapes for the department.

In June of 2001, the Fire Department asked CVTV to produce an informational video about the Department. As of June 26, 2001, CVTV had drafted a script (See Exhibit D to Mr. Demmon's Declaration) and in the summer of 2001, CVTV staff shot footage to go with the script of Fire Department personnel. The draft script was sent back to the Fire Department for final revisions in the summer of 2001, but the final video has not been completed due to other workload. See Mr. Demmon's Declaration.

03-03-02 10:00 FAX 300 090 0200 CITY ATTORNEY 005

Letter to Philip Stutzman
Director of Compliance
Public Disclosure Commission
PDC Case #02-286
March 5, 2002
Page 4

The end result of all the training videos and of the partially completed video production in the summer of 2001 results in CVTV having in its tape library many hours of video footage of Fire Department staff engaged in a variety of activities.

As described in Mr. Demmon's Declaration, in January, 2002, Jeff Williams, a campaign consultant for the "VOTE Yes on EMS" Committee, contacted CVTV and made a public record request under Ch. 42.17 RCW for available footage of firefighters in EMS action shots. CVTV staff located previously shot footage and provided Williams some portions of footage he identified.

To put this in context, CVTV copies and provides thousands of hours of programming on request to media, video producers and the general public. See Exhibit A to Mr. Demmon's Declaration - The City/County Cable Television Office Playback Services Report for 2001, showing 2862 copying jobs or "dubs" in 2001 alone.

The practice of CVTV for many years has been not to charge for copies of CVTV video or footage, unless multiple copies are requested. The practice of CVTV instead is for requesting parties to provide blank tapes, and in some instances to loan CVTV tapes for brief periods.

The footage copied for and given to Mr. Williams in response to his public record request was used by the "VOTE Yes on EMS" committee in the commercially-produced campaign commercial that was the subject of Mr. Hinton's complaint.

In summary, the footage used in the commercial did come from City stock footage, and that footage was provided to the agent of the "VOTE Yes on EMS" campaign committee under a public disclosure request.

RCW 42.17.270 prohibits inquiries into the purpose of a request. Even knowing the intended purpose of the request, no exemption to public disclosure provides the City with grounds to have denied access to the footage to Mr. Williams.

Complaint #2: Fact Sheet (with logos) on Campaign Website

As explained in Chief Bivins' Declaration, the City Fire Department prepared an EMS levy fact sheet, a copy of which is enclosed, as a reference for community questions about the levy. It was developed with the oversight of the City Attorney's Office. It was the City's understanding, based upon the PDC's September 29, 2000, *Guidelines for Local Government Agencies, Including School Districts, for Election Campaigns*, that such a fact sheet is permitted under RCW 42.17.130.

Letter to Philip Stutzman
Director of Compliance
Public Disclosure Commission
PDC Case #02-286
March 5, 2002
Page 5

This VFD-EMS levy fact sheet was entitled "Facts on the Fire-EMS Property Tax Levy" and carried a logo for the Vancouver and Fire District #5 Fire Departments. It was available in hard copy form and on the City/Vancouver Fire Department website.

The VOTE YES on EMS Committee had its own commercially developed website which had a link *from* the Committee website *to* the fact sheet on City/Vancouver Fire Department. There were no links *from* the City's website *to* the Committee's website.

The Committee neither asked for nor was granted permission to link to the City/Fire Department website. Neither did the Committee ask for nor was it granted permission to utilize the logos which were displayed on the fact sheet. It simply linked its website to the "Facts on the Fire-EMS Property Tax Levy" portion of the City/Fire Department website.

In answer to the two specific questions in your February 13, 2002, letter:

- 1.) The "Facts on the Fire-EMS Property Tax Levy", a copy of which Mr. Hinton attached to his complaint, was drafted by the City and the Fire Department; but it was not provided to the "VOTE Yes on EMS" Campaign Committee except to the same extent it was provided to the public in general via the City/Fire Department website; and
- 2.) The City of Vancouver did not provide the logo of the Vancouver Fire Department to the "VOTE Yes on EMS" Campaign Committee except to the same extent it was provided, via the City website, to the public in general; and
- 3.) The City of Vancouver did not give the "VOTE Yes on EMS" Committee permission (nor was it asked) to use the Vancouver Fire Department logo on the Committee's website. The Committee in fact did not use the logo *on its website*. Rather, it linked *to* the fact sheet on the City/Fire Department website.

In any event, the "Facts on the Fire-EMS Property Tax Levy" developed by the City/Fire Department is a public record document which anyone could request under Ch. 42.17 RCW.

Links from one website to another, or even links embedded in documents, are commonplace today. Third parties can and do link to pages of public agency websites without those agencies' permission or even knowledge.

City Attorney Involvement in responding to Mr. Hinton's emails.

Ms. Trobaugh indicated that no specific response was being asked from Ted Gathe, the City Attorney. However, to avoid any confusion in the record as to what prompted Mr. Gathe to send Mr. Hinton the January 23, 2002, e-mail that Mr. Hinton complained of and forwarded to the Commission, attached please find Mr. Gathe's Declaration.

Letter to Philip Stutzman
Director of Compliance
Public Disclosure Commission
PDC Case #02-286
March 5, 2002
Page 6

Mr. Gathe was following up on a January 22, 2002, email that Mr. Hinton had forwarded to Chief Bivins at the Chief's City email address and which alleged improper use of City of Vancouver facilities (i.e. Engine 84, uniformed fire personnel, and other governmental assets; VFD and FD5 patches/insignias).

Mr. Gathe made clear in his January 23, 2002, email to Mr. Hinton that he was responding *in behalf of the City*. It is the City's position that such a response by Mr. Gathe was *completely* appropriate and was on its face not in behalf of any campaign.

The City requests that this portion of the complaint be stricken or be expressly found by the PDC to have no merit.

Please contact our office if you need or want additional information regarding these issues.

Very truly yours,



Judith Zeider
Chief Assistant City Attorney

Direct line: 360-735-8828
Email: judy.zeider@ci.vancouver.wa.us

Enclosures:

"Facts on the Fire-EMS Property Tax Levy"
Declarations of Ted Gathe, Jim Demmon, and Chief Don Bivins (with exhibits)

Cc Ted Gathe, City Attorney
Pat McDonnell, City Manager
Chief Don Bivins, Vancouver Fire Department
Jim Demmon, CVTV

H:/jz/ltr/PDC Response - - EMS Levy - 030502.doc

DECLARATION OF TED GATHE**REGARDING KELLY HINTON PDC COMPLAINT #02-286**

Ted Gathe declares under penalty of perjury of the laws of the state of Washington as follows:

- 1.) Kelly Hinton contends in his complaint that City of Vancouver resources (i.e. the City Attorney's Office) were improperly used in responding to his original complaint about the EMS Levy Campaign. This charge has no merit.
- 2.) Hinton's original complaint dated January 22, 2002 was e-mailed to a number of individuals including City of Vancouver Fire Chief Don Bivins at his city e-mail address. Attached as Exhibit A to this Declaration is a true and correct copy of Mr. Hinton's January 22, 2002 e-mail to Chief Bivins, a copy of which was not attached to the PDC complaint.
- 3.) Chief Bivins forwarded that January 22, 2002 e-mail to me for my review.
- 4.) Mr. Hinton's January 22, 2002 e-mail alleged illegal use of government assets in support of a levy, and specifically cited Engine 84, uniformed firemen and Vancouver Fire and Fire District 5 patches/insignias in a television commercial and invited a response as to why his assertions of illegality were wrong.

DECLARATION OF TED GATHE
PAGE 1

EXHIBIT 3
Page 7 of 18

- 1 5.) On account of the allegations regarding violation of state law through
2 use of City of Vancouver resources, I felt it was completely appropriate
3 for the City Attorney's Office to investigate the complaints.
- 4 6.) In doing so, at no time did I or anyone working in the City Attorney's
5 Office provide legal assistance, advice or direction to the "VOTE Yes
6 EMS" levy campaign committee. Any innuendo to that effect is
7 baseless.
- 8 7.) After investigating the allegations and concluding that the City of
9 Vancouver had not engaged in illegal activities, I sent Mr. Hinton an e-
10 mail on January 23, 2002. A true and correct copy is attached as
11 Exhibit B.
- 12 8.) In that my January 23, 2002, e-mail response to Mr. Hinton, I made it
13 very clear that:
- 14 a.) I did not know whether Hinton's complaint was directed to the City of
15 Vancouver or not; and that

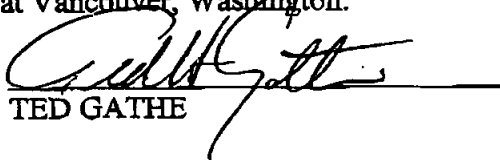
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

b.) I was responding only on behalf of the City.

9.) Despite that clear language, Mr. Hinton included the allegation in his complaint to the PDC of improper use of City Attorney resources in his PDC Complaint.

10.) Based on the above information, I request that that portion of the complaint be stricken or be expressly found by the PDC to have no merit.

DATED this 5th day of March 2002, at Vancouver, Washington.


TED GATHE

01013
CITY ATTORNEY
From: K.J. Hinton [educationproject@attbl.com]
Sent: Tuesday, January 22, 2002 1:43 PM
To: don.bivins@ci.vancouver.wa.us
Subject: FW: For your information FW: Pending PDC complaint. VOTE YES EMS

-----Original Message-----
From: K.J. Hinton [mailto:educationproject@attbl.com]
Sent: Tuesday, January 22, 2002 12:20 PM
To: chler84@aol.com
Cc: (Press) Bilderback; (Press) Com; (Press) Editors@Columbian. Com; (press) Elizabeth Hovde; (Press) Herrington; (Press) Mize; (press) Tom. Koenninger@Columbian. com
Subject: Pending PDC complaint. VOTE YES EMS

I am in the process of developing a PDC complaint against your organization for illegal use of government assets in support of a bond or levy, specifically the TV commercial (played a few moments ago on Channel 48) that you play showing Engine 84, uniformed firemen and other governmental assets specifically prohibited by RCW from use in an election, levy or bond. This may even include VFD and FD5 patches/insignia in any effort for a yes vote.

As an adjunct to this charge, I would be more than happy to include a statement from your organization attempting to justify these actions, and explaining where my assertions of illegality are wrong.

The specifically violated RCW is: 42.17.130; a recent example of the application of this law, particularly in regards to the use of fire equipment, is located at <http://web.pdc.wa.gov/compliance/reports/>.

Your attention is drawn to the Geoff Simpson Case, #01-133, where the PDC ruled that use of such assets was a clear violation of the law.

I will be submitting the complaint tomorrow, and look forward to your response for enclosure.

K.J. Hinton

P.O. Box 820612
Vancouver, WA 98682

Office 360.280.6855
Fax 360.681.0882

EXHIBIT

A

Gathe, Ted

To: educationproejct@attbi.com
Cc: Editors@Columbian.com; jeff.mize@Columbian.com; McDonnell, Pat; Bivins, Don; Mason, Donna; Demmon, Jim; Zeider, Judy; tom.koenninger@Columbian.com
Subject: Allegation re: Public Disclosure Commission Complaint- EMS Levy Campaign

Dear Mr. Hinton:

I received a copy of your e-mail dated January 22, 2002 relating to the filing of a complaint with the Public Disclosure Commission. It is not clear from your e-mail whether your complaint is directed toward the City of Vancouver or the Yes on EMS Campaign organization. I am responding to your concerns on behalf of the City.

It is my understanding that the commercial you saw on Channel 46 (CNBC) was produced by AT&T Media Services via a contract with the Yes on EMS Campaign organization. The portions of the commercial showing uniformed firemen and equipment came from stock footage maintained in the records of the City-County Television Station (CVTV). This stock footage was provided to a representative of the Yes on EMS Campaign pursuant to a public disclosure request. The CVTV Manager advises me that they receive many such public disclosure requests throughout the year. During the last year, for example, almost 2,000 hours of taped material was produced pursuant to citizen requests.

The stock footage in question was shot in July and August of 2001 for the purpose of producing an educational and informational tape for the Vancouver Fire Department which has not yet been completed. According to CVTV's Manager, over the last five years, the Station has provided over 215 hours of taped materials for the Fire Department which is used for training and public education.

The bottom line is that no City officials or staff used City resources to produce the commercial in question and there has been no violation of RCW 42.17.130. I have also reviewed the pending PDC case (#01-133) involving Geoff Simpson and do not find it to be analogous to this matter. If you wish to discuss this further or if you need additional information, I would be glad to meet with you together with the Fire Chief and/or other persons who have relevant information.

I look forward to hearing from you.

Ted H. Gathe
City Attorney
210 E. 13th Street
Vancouver, WA
360-696-8251
ted.gathe@ci.vancouver.wa.us

EXHIBIT B

DECLARATION OF JIM DEMMON**REGARDING KELLY HINTON PDC COMPLAINT #02-286**

Jim Demmon declares under penalty of perjury of the laws of the state of Washington as follows:

- 1.) I am the Cable Television Manager for City/County Cable Television Office, a division of the City of Vancouver, Washington's Media Services. I have worked at the City/County Cable Television Office since April 1992, and have been serving as manager of Video Services for the past six years.
- 2.) The City/County Cable Television Office is a joint agency of the City of Vancouver and Clark County, Washington. Our office operates Clark/Vancouver Television, CVTV Cable Channel 23, the local government access channel appearing on the AT&T Broadband cable system in Vancouver/Clark County, Washington. CVTV produces a variety of local government programming which is cablecast seven days a week, 24-hours a day. We provide regular live gavel-to-gavel coverage of City and County hearings; replays of special hearings and forums by local, state and federal agencies; talk shows on local government issues; informational videos for City and County agencies; concerts, community events and local election coverage.
- 3.) In 2001, the City/County Cable Television Office produced 540 programs for a total of 795 hours of programming.

DECLARATION OF JIM DEMMON
PAGE 1

EXHIBIT 3
Page 12 of 18

1 4.) The City/County Cable Television Office also provides internal video
2 services for City and County agencies. We produce staff
3 orientation/training videos, lectures, training-simulations, discussions
4 and case studies to aid in staff development and specialized training.
5 These are frequently replayed on a discrete City/County training
6 channel provided by AT&T Broadband which can only be viewed by
7 authorized City and County agencies.

8 5.) Because of extensive training needs, the Vancouver Fire Department
9 pays for 25% of one of our Video Producer salaries. The Fire
10 Department requests the highest proportion of internal video
11 programming of any City or County department. Last year our office
12 produced 38 programs for the Fire Department for a total of 75 hours
13 of training, compared to 29 training programs and 36 hours of
14 programming for all other City and County departments combined.
15 Our office has produced 144 programs for a total 215 hours of training
16 programming for the Vancouver Fire Department between 1996 -
17 2001.

18 6.) As a public service and to comply with state public disclosure laws, the
19 City/County Cable Television Offices provides duplications of any
20 CVTV program in our library. First copies are provided without
21 charge, usually on VHS tape stock provided by the person requesting
22 the copy, and sometimes by loaning CVTV tapes. Additional copies
23 are charged at \$10 apiece.

- 1 7.) Last year (2001) the City/County Cable Office duplicated 2,862
2 programs. Attached as Exhibit A is a true and correct copy of the
3 City/County Cable Television Office Playback Services Report for
4 2001 with the duplication, "dub," totals appearing at the end of the
5 Report.
- 6 8.) Some of the requests are from parties we know will use the footage
7 from the City/County Cable Television Office library for the creation
8 of other programming. Typical uses of footage by third parties are for
9 broadcast television news stories, documentaries, advertisements of
10 events and political campaigns. We have historically provided such
11 footage free of charge upon request.
- 12 9.) In early January 2002, I received a call from Jeff Williams with the
13 "Yes on EMS" Campaign. Mr. Williams asked if we had any
14 Vancouver Fire Department footage available. I explained that we had
15 hours of Fire Department footage and asked if he could be more
16 specific. He requested a variety of shots of firefighters performing
17 Emergency Medical Services, "EMS," duties. He said they would be
18 used in a campaign commercial produced by AT&T Media Services.
19 He also requested that they be duplicated onto a broadcast-quality
20 videotape.
- 21 10.) I said that over the summer of 2001 we had shot some staged EMS
22 footage for an informational video for the Fire Department and
23 requested that he bring a VHS tape so we could provide him with some

1 footage. The next day he dropped off a tape. We duplicated 10-15
2 minutes of footage onto a VHS tape and asked that he view the tape
3 and specify which shots he would like duplicated onto a broadcast-
4 quality tape. The next day he returned and specified the shots he
5 wanted. The 13 selected shots, totaling 3 minutes, 10 seconds, were
6 then copied onto a mini-DV videotape. Attached as Exhibit B is true
7 and correct VHS copy of the 3 minutes, 10 seconds of footage provided
8 to Mr. Williams.

9 11.) At the time of the request, Mr. Williams neglected to bring a mini-DV
10 videotape. The City/County Cable Television Office loaned him a
11 previously used tape with the understanding that the cassette was to be
12 returned after his post-production session with AT&T Media Services.
13 Mr. Williams returned the tape within two days.

14 12.) The City/County Cable Television Office does on occasion loan out
15 videotape to help provide good customer service. For example,
16 citizens sometimes phone in duplication requests. Instead of requiring
17 people to first drop off a tape at our location and then return to our
18 office once the duplications are complete, we will offer to copy the
19 programs onto City/County Cable Television Office tape stock as long
20 as they agree to provide replacement tapes. Broadcast news stations
21 have requested footage to be placed on a videotape format which we do
22 not support. Instead of asking news crews to come back with a

different tape format, we loan them City/County Cable Television Office tape stock for short periods of time.

13.) The process we followed in responding to Mr. Williams' public record request was comparable to what we have done historically for members of the media, video producers, and the general public.

14.) The EMS footage provided to Mr. Williams came from two tapes we recorded on July 27 and August 20, 2001, for an informational video project requested in June 2001, by Marilyn Westlake, Public Information Officer for the Vancouver Fire Department. Ms. Westlake requested an informational video to be used by the department during public presentations.

15.) In 2001 alone, our office produced 32 such informational videos for a number of City and County agencies including the Vancouver Police Department, Vancouver City Manager's Office and Clark County District Court. See the "Informational Video" listings in City/County and Community Programming categories within the CVTV Annual Production Report for 2001, a true and correct copy of which is attached as Exhibit C.

16.) On June 26, 2001, I completed a first draft of the Fire informational video script and forwarded it to Ms. Westlake for review. Attached as Exhibit D to this Declaration is a true and correct copy of the script for the informational video I drafted for Ms. Westlake and the Vancouver Fire Department.

1 17.) In the meantime, I assigned one of our producers, Steve Harris, to
2 produce the informational video. Mr. Harris reviewed footage in our
3 library at the time and decided he needed additional footage of EMS
4 activities, as well as, some overall updated footage of the firefighters
5 responding to calls. He worked with Ms. Westlake and the Vancouver
6 Fire Department on scheduling four staged scenes for the video. During
7 the summer of 2001 he spent approximately two-and-a-half days taping
8 these scenes.

9 18.) Near the completion of the staged shoots, Ms. Westlake said the script
10 needed some additional revisions. She said she would make the
11 changes sometime later in the summer. After several weeks we
12 contacted Ms. Westlake to check on the status of the script. She said
13 she had been given several large projects and would update the script
14 in a few weeks.

15 19.) Late in the fall I advised Mr. Harris to edit a "rough cut" using the
16 original script we had so we could show Ms. Westlake what the
17 completed tape might look like. She viewed the tape but said she still
18 wanted to make further revisions to the script.

19 20.) To date the project has yet to be completed. Because of changes in
20 workload, reorganization or a shift in priorities by City or County
21 agencies, video projects occasionally take several months to complete
22 or are never completed.

23

DECLARATION OF JIM DEMMON
PAGE 6

EXHIBIT 3
Page 17 of 18

1 DATED this 5th day of March 2002, at Vancouver, Washington.

2

3

4

5

6


JIM DEMMON

DECLARATION OF JIM DEMMON
PAGE 7

and what the city should stand for. And then the intention was that each individual department would further refine their role in that broad service level, identifying the broad service level that they are providing through operational plans. Which later became business plans.

TROBAUGH: Would you say that you initiated the business plan process?

BIVENS: No. I would say that the city manager did.

TROBAUGH: Okay. And what was the time frame or deadline for developing the business plan?

BIVENS: Well initially it was June of 2001 but the process was much more onerous than anybody had previously thought it was going to be so we asked for a couple of months further. And the city manager said however long it takes to get it done right.

✕ TROBAUGH: Okay. And I wonder if you could explain again the intent of having the fire department create a business plan.

✕ BIVENS: Identify the service level that we currently provide to the community. And take a critical look at what we are doing that we aren't doing enough of or what we are doing that we shouldn't be doing. Looking at alternatives, contracting out services, getting out of certain lines of business, identifying whether or not we're meeting our goals. Are we structured properly. It looked really kind of did a top to bottom look at the department and the services we provide.

TROBAUGH: Okay. And what did the business plan conclude?

BIVENS: It concluded that we had implemented a number of cost saving measures and efficiencies over, continuously over a period of several years. And we had reduced our administrative staff over

time through attrition and that we were falling behind in providing the level of service that we had identified that we needed to provide in the 1997 Internal Comprehensive Plan.

TROBAUGH: How would you say that the business plan changed your work objectives?

BIVENS: I would say that it focused our work objectives.

TROBAUGH: I wonder if you could please describe that. What you mean by that.

* BIVENS: Well we had, for quite some time, known that we were, that our staffing levels were low comparatively speaking and we were having a difficult time keeping up with the load. And frankly we weren't sure how well known that was internally in the city. And when you just simply complain about it that's how it's perceived as a complaint or a whining with no real objective information and the business planning process allowed us to quantify the level of disparity, the service level impact of the service that we were providing and so it allowed us to focus the communication that we needed to give to the city manager and the city council about the impacts those service levels, the reduction of service levels, as a result of the increased demand.

TROBAUGH: Did you see it as your role as fire chief to make the public aware of the service issues facing the fire department?

BIVENS: Absolutely. But I also believe that I have to work within the structure of the city. I strongly believe in the chain of command and I don't go the city council before having first gone to the city manager. I do communicate with the general public but to the extend that I may put the city council or city manager in a difficult or compromising political position, I give the city manager a heads up and get his advice.

TROBAUGH: How would you say that you attempted to get the word out?

BIVENS: I'm sorry?

TROBAUGH: How would you say that you attempted to get the word out?

BIVENS: We communicated through the Lifeline newsletter. We communicated in neighborhood association presentations. Those are primarily the two modes.

TROBAUGH: Okay. How many informational videos does the Vancouver Fire Department produce yearly?

BIVENS: For external consumption. We have one on the radar screen but I don't know that we've had one completed yet.

TROBAUGH: Okay. What would be a typical reason to produce this type of video?

✧ BIVENS: Well actually we produced a PowerPoint presentation the latter part of, the first part of 2001. One of our firefighters actually produced a PowerPoint presentation. Kind of a this is your fire department presentation and it was intended to be used to communicate with neighborhood associations. We had probably to a greater or lesser degree since 1997 in the comprehensive plan, we kind of adopted a theme for the department that the Vancouver Fire Department does more than a fire department and the thrust there was to let the community know that we do more than fight fire. We run on emergency medical calls, we have a hazardous materials response team, a technical rescue team, we do some environmental protection as a result of our hazardous materials responses, emergency management, disaster preparedness, those kinds of things. We felt that the community really did not fully understand or

comprehend what the fire department does. And it was important that they understood that.

TROBAUGH: I wonder if we could return to the one informational video that you said was on the radar. I wonder if you could describe how you decided, or Marilyn Westlake decided, that this video needed to be produced.

* BIVENS: Well I don't recall the specific decision point of producing the video. It had been among a list of ideas or brainstormings that we had had about getting the Vancouver Fire Department more visible in the community and that we needed to make a better effort at educating the community through PowerPoint presentations, through videos, the city had implemented a speakers bureau sometime in the last year and a half or somewhere in that time frame. And so we anticipated that there was going to be more demand for us giving presentations and so we wanted as many types of media as we could to get that information out.

TROBAUGH: Okay. Now when you describe a list of ways of getting the word out, was that, would you say that you would authorize the different ways of doing an informational presentation?

* BIVENS: Yeah, basically that I would authorize the different presentations, the PowerPoints, the video.

TROBAUGH: Okay.

* BIVENS: I had given Marilyn copies of the Portland Fire Department's monthly newsletter that they sent out to a fairly broad distribution in their community and I've given her multiple copies of that as I receive them and say I would really like us to be able to do something like this on a regular basis. She indicated that that was a tremendous workload and that it was probably not doable to get

one of those out on a monthly basis so we talked about quarterly and we've kind of tweaked it to meet our own needs and our own style.

TROBAUGH: Okay. And I wonder if we could get back to the video. It sounds to me that you were aware that this was kind of a project in the works.

BIVENS: Yes.

TROBAUGH: Did you have a target date in mind for this video?

* BIVENS: No. I didn't give any deadlines or anything like that. I just said let's do something like this and use it as a communication tool.

TROBAUGH: And I wonder if you could briefly describe again what you believe would be the intent of the video.

* BIVENS: It would be, in fact I think the name of the video and then I'll know that, I don't know whether Marilyn and I actually came to a conclusion on this but my thrust was "The Vancouver Fire Department, more than just a fire department." And that it would highlight all of the varieties of services that the Vancouver Fire Department provides. And the intent would be to use that any time we have an opportunity to make a presentation either to a neighborhood association or a service club or those kinds of things. We get a lot of requests for public presentations and this was going to make that public presentation process easier.

TROBAUGH: Okay. So it sounds like you did do some PowerPoint presentations to service groups and the neighborhood associations. Did you contact any of these groups to set up these presentations?

BIVENS: I gave a presentation to the East Vancouver Rotary Club of which I am a member and frankly I can't recall whether I approached them or they approached me. It may very well have been that they

BIVENS: Not that I recall.

TROBAUGH: Did you suggest to the Yes on Fire and EMS Committee to request EMS footage from the City of Vancouver cable TV department?

BIVENS: Not that I recall.

* TROBAUGH: Did you suggest to Jeff Williams to request EMS footage from the City of Vancouver cable TV department?

* BIVENS: I think I suggested to Jeff Williams to talk to Marilyn Westlake about how best to access some information.

* TROBAUGH: Meaning video footage?

* BIVENS: Video, still shots, those kinds of things.

TROBAUGH: Okay. Chief Bivens, do you authorize the publishing of Lifelines?

* BIVENS: Well that's an interesting question. I do authorize it. The, I don't remember what her title is, Barbara Crest who is the media, I guess she is the media relations person for the city, would also be in that loop and I would assume that she is speaking on behalf of the city manager.

TROBAUGH: Who authorizes the text prior to the publication in the newsletter?

BIVENS: I do. Again with Barbara Crests' suggestions and editorial comments.

TROBAUGH: I wonder if you could please explain the intent of your letter to constituents in the summer of 2000 edition of Lifeline.

BIVENS: The summer of 2000?

TROBAUGH: 2001. I apologize.

BIVENS: The intent was to let them know that we were in the process of developing a business plan. That we had identified some issues that were of concern and we didn't know exactly where it was going to end up or how we were going to respond to it. So it was kind of

BIVENS: I've written all of the newsletters initially and of course they were subject to review and modification by the city attorney's office and by Barbara Crest and Marilyn Westlake primarily for ease of readability and those kinds of things.

TROBAUGH: Okay. Could you please describe how many news releases the fire department issues in a year?

* BIVENS: Wow. I don't think I could give you a number. Most of our press releases are done in relation to an emergency event. Marilyn Westlake was our public education person who also did double duty as a public information person as well. So I would be hard pressed to give you a number. It would be a guess.

TROBAUGH: Okay. I wonder if maybe you could just guess how many you think the fire department did in 2001.

BIVENS: 10.

* TROBAUGH: Okay. And you authorize news releases for the fire department?

* BIVENS: Yes.

* TROBAUGH: Could you please describe what would cause the fire department to issue a news release?

* BIVENS: Information that we feel the community would find useful and informative.

* TROBAUGH: Why did you do a news release to publicize the year-end figures for the fire department emergency calls?

* BIVENS: That was newsworthy. I mean ultimately that's what fire departments do, is communicate their call volume and their demand for service, their response times and the call distribution, emergency medical versus fire versus hazardous materials versus

public assist. And if you check with most fire departments they publish those year-end figures.

TROBAUGH: Okay. Has the fire department ever released these numbers in the past via news release?

BIVENS: I don't know whether we issued them in a news release. We have historically published them in an annual report.

TROBAUGH: Okay.

BIVENS: We've gotten I guess a little more sophisticated more recently about our efforts to communicate with the public. We haven't had a public information/public education coordinator prior to when Marilyn Westlake was hired which, I don't remember what year that was probably 1998 or 99.

TROBAUGH: Why did you release this information on the day of the election?

BIVENS: That was the day that it was available. We didn't have the information prior to that. I think its important to note, understanding where the thrust of that question is coming from, that we have both local newspapers the Clark County Columbian and the Portland Oregonian, have morning daily papers. Releasing that information on the election day would not make the news until the following day. There would be no benefit to the EMS levy effort to release that information on the 5th. But that wasn't even a factor in our decision making process. We would have released the information at the point in time that we had the information.

TROBAUGH: Okay. Did you consult with city attorney's concerning the February 5th news release?

BIVENS: No.

✓ TROBAUGH: Okay. Why did you do a news release to publicize Betty Lane's contribution on December 14th of 2001?

* BIVENS: Actually I heard that information, heard that she had done this bake sale and fundraiser through our union president and I asked him what her intent behind the funding was and he said he wasn't sure. We had received the check, in fact I think the union president received the check or maybe one of our engine company crews did, and I found the check on my desk. And I believe the, I'm not exactly sure if it was a collaboration between Marilyn Westlake and Barbara Crest on getting the news release put together, but it was unclear to me exactly what her intention for the funds was and I had a difficult time getting ahold of her, she was not listed in the phone book and I didn't have her address, or maybe I did, but I knew which building she was in. I don't recall whether I knew which apartment she was in. And Barbara Crest found her phone number and I called her at some point in time in the intervening days and asked her what her intention for the money was and she said to increase the staffing for the fire department. And I asked her how she felt that that would be best accomplished with that money and she said well I wanted to pay for getting the word out that the fire department needs more people. So I asked her if it was her intention to have that money go to the EMS levy committee and she said if they are trying to increase the staffing for the fire department, then yes that's where I want it to go.

* TROBAUGH: And you came about this information after the news release had been released?

* BIVENS: I believe that the news release had been released when I contacted Betty, before I had contacted her to find out what her intention of the money was.

TROBAUGH: Did you consult with city attorneys concerning this December 14th news release?

BIVENS: I don't think they did.

* TROBAUGH: Chief Bivens who authorizes the content for Vancouver Fire Department's web page?

BIVENS: Well the, who's, what's Donna's title, her position?

ZYDER: Donna Mason?

BIVENS: Yeah. Information Services?

ZYDER: Yeah.

BIVENS: Yeah, there is a person who is responsible for the city's web page who works for our director of information services, Donna Mason.

ZYDER: It's now called media services.

BIVENS: Oh, media services okay. And I think that what we put on our site is reviewed and approved by them. Marilyn Westlake is responsible for putting the information together, getting it, keeping the website updated and working with that person in media services to update the web site.

* TROBAUGH: So you don't authorize the content for your fire department's web page?

* BIVENS: I normally am informed of changes to the web page after the fact.

TROBAUGH: Okay. In your February 8th message after the levy election, on the web page, you make mention of a Betty Lane. You state "we met some extraordinary individuals such as Betty Lane from Smith Tower and others who are on fixed incomes but who do everything in their power to help us help them." I wonder if you could describe what you were referring to.

X BIVENS: Well first I think you need to understand that what I have in writing is not always my work, but I do approve it. And I think the thrust there is that primarily the...

Tape 1, Side B

TROBAUGH: The tape, I apologize.

BIVENS: Oh, that's okay.

TROBAUGH: You can go right ahead again.

BIVENS: Okay. The events following or the period of time following the events of September 11th thrust the fire service in a very public light that probably had not been brought to light previously. And we've had a tremendous outpouring of support by this community for their fire department and Betty Lane is one example and I think that we've received a lot of people coming into the fire stations delivering cookies and flowers and just wanting to stop by to shake the hands of the fire fighters and say thank you for everything you do. I thought it was extraordinary that somebody would actually put a bake sale together and if you saw the small apartment that Betty Lane lives in you would realize what an extraordinary feat it is to bake as many pies as I understand that she baked given that she's got an extremely small oven and an extremely small apartment. And that was the thrust.

TROBAUGH: So you wanted to recognize her for her efforts?

BIVENS: Yeah, I think she stood out among the people who showed us support.

TROBAUGH: Were you at all concerned that I mean, ultimately her support was a campaign contribution and that you were highlighting that on a City of Vancouver web page?

TROBAUGH: It was the factsheet. And then the very last paragraph of this page, it again talks about response times and the growth of the service area, which are the issues of the EMS levy proposal.

BIVENS: Now are you saying that those are synonymous with the EMS levy? Because I would differ with that interpretation.

TROBAUGH: What would be your interpretation sir?

BIVENS: That response times and services levels are facts in evidence in any fire department and as I stated earlier, is routinely and traditionally shared with the community in an annual report at the end of the year as kind of a report card of how the fire department is providing service to the community. I see that as separate and distinct from any problem that has been identified as a result of the high demand or relative failure to meet response time goals. There are a number of ways to address that, one which would be to do nothing and accept those response time deficiencies and lower the standard or any one of a, probably a dozen different alternatives at the local policy setting level to meet the current standards. Which would be, an EMS levy, could be other tax measures, could be a reprioritization of general fund contributions within the city, those types of things.

TROBAUGH: Did the fire department distribute a fact sheet on the ballot proposition?

BIVENS: Yes.

TROBAUGH: And could you tell me when this was distributed?

BIVENS: I don't recall the date. If I were to guess I would say probably somewhere in the neighborhood of December.

TROBAUGH: Okay. Could you please research that and confirm the date that it was sent out?

BIVENS: I will do that.

TROBAUGH: Okay. Could you please describe to me how the fact sheet was distributed and to whom?

BIVENS: Just a second I'm writing myself a note here.

TROBAUGH: Okay.

BIVENS: When, after the fact sheet was created it was distributed to all of the fire stations with instructions to the crews that as people come in to ask them information to, that they could make this information available to them. I carried the information in my car in the event that I had a presentation that I needed to give. By virtue of the fact that there was a great deal of publicity about this EMS levy, we were getting a lot of questions and we were being questioned by the public in our official capacity as members of the fire department and so we needed to give them factual information that had passed scrutiny with the city attorney's office so that we were not giving campaign information out.

TROBAUGH: So you did not do a mailing to all residents in the jurisdiction?

BIVENS: With the factsheet?

TROBAUGH: Correct.

BIVENS: No.

TROBAUGH: Okay. And you said that you did consult with the city attorney's on the content and wording of the fact sheet?

BIVENS: Yes.

TROBAUGH: Okay. Did you conduct any promotional activities from the fire department station with levy supporters?

BIVENS: No.

- ✧ TROBAUGH: Did you prepare any campaign materials while at the fire station?
- ✧ BIVENS: I did do some work on my email but I linked my work email to my home email and communicated that way during my lunch hour.
- ✧ TROBAUGH: From the City of Vancouver...
- ✧ BIVENS: Computer.
- ✧ TROBAUGH: Computer. How many emails would you say you?
- BIVENS: Maybe six.
- TROBAUGH: Okay. I'd like to request copies of those please.
- BIVENS: Okay.
- ✧ TROBAUGH: Did you have any campaign brochures at the fire station?
- BIVENS: No, I don't think we had, well I might have had them in my car. I don't, I'm trying to remember what campaign literature we had. Did we have any campaign literature that went out?
- ZYDER: Don't ask me that, I don't know. The city did not.
- ✧ BIVENS: The, I think, well we mailed out information on behalf of the campaign and I believe I had information in my car to distribute to people who were working on the phone banks to get that information out as follow up information for people who had questions about it.
- ✧ TROBAUGH: Okay. Did people stop at the fire station to maybe pick up that information from you?
- ✧ BIVENS: The general public?
- ✧ TROBAUGH: Right. Or campaign volunteers.
- ✧ BIVENS: There were probably times the information was, or the brochures were handed off from one campaign member to another. But as I stated it was out of my car.
- ✧ TROBAUGH: So during working hours that activity may have occurred?

- * BIVENS: It's possible that employees, not on duty, picked up information.
- * TROBAUGH: From you, who was on duty.
- * BIVENS: Right. When I had information in my car off duty members who were working on the campaign would stop by and pick up the brochures that I had in my car.
- * TROBAUGH: Okay. On how many occasions would you guesstimate that that happened?
- * BIVENS: Probably twice.
- TROBAUGH: Okay. Did you receive any campaign related phone calls while at the fire station?
- BIVENS: Well I had a lot of phone calls from the general public asking questions about the levy. We had citizens calling the fire stations and asking questions about the levy and about the fire department, about our needs and how the EMS funds would be generated or would be utilized. Those kinds of things.
- TROBAUGH: Did you convey any information about the committee? Suggest that they could make contributions to the committee or contact the committee?
- BIVENS: No. No.
- * TROBAUGH: Did you make any campaign related phone calls at the fire station? Perhaps during your lunch hour?
- * BIVENS: I contacted Marty James and Mike Worthy and Bob Knight on probably several occasions. Again, during my off time.
- * TROBAUGH: And by off time do you mean a lunch hour?
- * BIVENS: Yeah.
- * TROBAUGH: Okay. Do you drive a City of Vancouver vehicle?
- * BIVENS: Yes.

TROBAUGH: Did you drive a City of Vancouver vehicle to any campaign meetings?

BIVENS: No.

TROBAUGH: Did you drive a City of Vancouver vehicle to do any levy campaign business?

BIVENS: No.

✕ TROBAUGH: Is this the vehicle that you're saying that you had the information for phone bank volunteers in?

✕ BIVENS: Yes.

TROBAUGH: It is. Okay. Chief Bivens is there anything that you would like to add or delete from your statement or perhaps clarify of what you've shared with me?

BIVENS: Nothing jumps out at me.

ZYDER: I would ask as I did with Marilyn Westlake that the Chief be given the opportunity to look at the transcript because sometimes things will jump out at you when you see the written transcript that need clarification that wouldn't occur to you just as you are speaking.

TROBAUGH: That's fair enough. I know that Marilyn Westlake's transcript is still being transcribed and it will probably be a couple of days before I am able to send Chief Bivens' as well but I am happy to do that. I am going to conclude the recorded statement. The time is about 7 minutes to 11 on March 18, 2002.

DEMMON: Well no, it's usually just pretty much split 50/50 between the city and county pretty much. We break it up budgetary wise city programming versus county programming. The only difference is within the Vancouver Fire Department because of the great amount of requests they give for training. They pay a quarter percent of one of our producer's salaries.

TROBAUGH: And then they have unlimited, they are unable to produce unlimited video footage?

DEMMON: Correct.

TROBAUGH: Okay.

DEMMON: Right.

TROBAUGH: How long typically would you say producing an information video takes?

DEMMON: It can vary greatly on the type of project. We can do a very quick program where someone just wants us to come tape a speaker, and we tape the speaker and leave and the product is finished. All the way to a full blown documentary that can take months to complete. Typically on average, a program like an informational type program two to three minutes long without a lot of interviews takes a week, week and a half to do. For example we produce Clark County Close up which is a half hour magazine program and there is usually 3-4 informational segments within a show and it takes two of our fulltime producers and two part time producers about a month to produce.

* TROBAUGH: Okay. Thank you. When specifically in 2001 did you produce an informational video for the Vancouver Fire Department?

* DEMMON: Well we didn't fully produce it. We were, I was contacted in June of 2001 by the Fire Department, Marilyn Westlake, saying they

wanted a video produced for their department, an informational tape to be used in public presentations by the fire department. And so, we, I wrote the script in late June and assigned a producer to it and he shot a few days in late July, early August. I think about 2 ½ days to get footage that he needed. And then we waited for some feedback on the script. It didn't arrive in time and so then we, late in the fall we went ahead and put together a rough cut. Because sometimes clients have problems completing the script or can't get past the visual idea. So we did a rough cut and showed that to Marilyn Westlake and she said she still wanted some revisions so we just put the project on hold.

Δ TROBAUGH: And you say late fall. What month would you say that was?

* DEMMON: Oh it's actually, we just made that copy, it looked at the, I think it was done, yeah the actual rough cut was completed on September 10th 2001.

* TROBAUGH: How many staff hours would you say were devoted to this project?

* DEMMON: I probably put in 4 hours, 4 to 6 hours on the script and the producer, he put in probably 2 ½ days in shooting and then probably put in, and he did quite a bit of logging of footage that we currently had of fire department, he put a lot of that in so he probably spent another week on loading the footage and doing that rough cut. So 40, 24, maybe 80 hours at the most.

TROBAUGH: Okay. So you said that you received the request from Marilyn Westlake. Could you describe to me what you were directed to do when she made her initial request?

DEMMON: Sure. She said they wanted an informational tape to be used for presentations. She said that, for example the Vancouver Fire Chief

TROBAUGH: I would only want the disk if there were notes associated, like presentation notes associated per slide. So, Mr. Demmon would you say that the request took the normal channels?

DEMMON: Correct.

* TROBAUGH: Okay. Did the fire department have a target completion date?

* DEMMON: My under, they wanted it to be done fairly quickly. And so that's one of the reasons I went and I did the scripting. Typically the production manager oversees, so I don't do production as much as I used to so on this one I went ahead and did the scripting so we could get going on it and assigned a producer right away. So my understanding was that they wanted it by the end of the summer.

TROBAUGH: So by the end of July or August.

DEMMON: Yes.

TROBAUGH: Okay. I guess we have kind of covered that. So did you receive any further input on the draft script beyond just the PowerPoint presentation?

DEMMON: I sent it over, I'd sent the script that I attached as an attachment on, I think it was June 21st sent that over to Martyn. She said she looked at it it was a good start and she was, we talked about what kind of footage we were going to need. She said that she was going to pass the script on to fire department management to take a look at, if they had comments. And she's start working on it, getting that information. So then like I said at that point I assigned a producer to it and then he took it from that point on.

TROBAUGH: Okay. And would you say that your department has produced similar informational pieces in the past for the fire department?

PDC Interview
Jim Demmon
March 14, 2002
Page 9 of 12

DEMMON: Did you say why I did?

TROBAUGH: Yeah.

DEMMON: We've always, it's a service that we provide when people come in and ask for duplications. We give out copies of our programming and the same when media organizations come or citizens come and have specific requests for footage to be used in other projects we also give that footage out and so it's a service that we provide.

TROBAUGH: Was he specific in his request for say perhaps EMS footage?

DEMMON: Yes. When he called me, he said that he was doing, he was representing the EMS campaign and wanted some fire footage. I said well you are going to need to be more specific since we have hours of fire footage tapes. And he said well I would like to get some EMS type of footage and I said okay. And that's what we went on.

TROBAUGH: Was the EMS footage that you shot that summer the only footage that you're department had?

DEMMON: No. We had some other footage of different events that have taken place, but they weren't staged. They were actual incidents that took place. For example, there was an accident on the corner and we got some footage of firefighters in action at that point.

TROBAUGH: So perhaps you felt that that footage would not be appropriate for this type of request. I guess what I'm really getting at Mr. Demmon is why this footage in particular, if you had other things to choose from.

DEMMON: It was because of, the footage in particular was because I knew of this footage because our producer had this on the what we call on our edit system so it was already loaded into the computer. So it's

WESTLAKE: I understand generally from communications that the point of the business plan was to assess the status of the department. The resource needs, the effect that growth in our community had on the department and to generate some ideas on how we could continue to meet the public's needs.

TROBAUGH: And could you summarize what the business plan concluded?

WESTLAKE: I, well let's see. I believe that it concluded that growth in our community, based on the statistics that were collected, that growth in the community had outstripped the available resources at the fire department and it went into a great deal of detail in a wide variety of areas and identified some areas where the department was lacking. My recollection is that it had a pretty extensive discussion of our response times and it explored our needs in terms of meeting the community's needs in areas such as hazardous materials handling and training and our emergency medical services provision.

X TROBAUGH: How did the business plan change your work objectives?

X WESTLAKE: The business plan, the completion of the business plan, at that point. Well actually before the business plan was completed the chief wanted to have a open and clear communication with the community, letting them know that we would be performing this assessment of the current status with the fire department. And then the next step was report back to the community on the findings and that was completed in the second edition of the Lifeline. And then the third Lifeline was produced after the city council determines how they wanted to go forward which was with the levy approach.

TROBAUGH: And I don't think I yet have the Lifeline edition from summer.

PDC Interview
Marilyn Westlake
March 15, 2002
Page 7 of 15

TROBAUGH: And I am just referring to the informational videos.

WESTLAKE: Okay. In terms of just for a general audience we were, we do not have any.

TROBAUGH: So none were produced in 2001?

WESTLAKE: Correct. None that I was involved with.

TROBAUGH: But you have been involved in producing informational videos in the past?

WESTLAKE: I, no. I can't think of any.

TROBAUGH: I'm sorry to pause. When I spoke with Jim Demmon he and I talked about an informational video that you had requested in summer of 2001. So...

WESTLAKE: Oh. I thought you meant completed. Well we've been talking off and on over several years about producing a video. I understood your question was there a completed one. Did I misunderstand your question?

TROBAUGH: Well maybe you were just highlighting for me that this, the one video that was requested from Jim Demmon was unique in that it's not a typical project that the fire department has done in the past. Would you say that's a fair characterization?

WESTLAKE: Well I can tell you that I have been attempting to get a video completed for the past three years for the fire department and the first person who asked me to produce what we called a who we are and what we do video, which is a very basic video that explains to a lay audience about the services would have been with the previous fire chief, Fryhoe, approximately three years ago. And due to competing work priorities and, I never was able to complete it.

TROBAUGH: Okay. And did you try to go down that path again in the summer of 2001?

WESTLAKE: Yes I did.

* TROBAUGH: And I wonder if you could describe for me what spurred you to take that action at that time.

* WESTLAKE: Well as we were, as the department was doing this evaluation and assessment with the business plan additional information was becoming available and we were looking for some ways to accurately communicate the circumstances in the fire department. So in addition to the neighborhood outreach and the other activities that we were involved in it was felt that we were able to make good use of a general who we are and what we do video very similar to what our police department uses when they go to visit with neighborhood or community groups or really any other situation where you want to explain your service to the public.

* TROBAUGH: And I wonder if you could describe how the fire department determined it needed this informational video produced at this time.

* WESTLAKE: Well I believe that we discussed the various manners in which we could accurately communicate information. The video would have been one among a number of them including our web page and any publication and any presentations to neighborhoods and other groups.

* TROBAUGH: Would you say that because of the business plan that there was maybe a ^{concerned - or} concerted effort to get the word out about the results of this business plan through perhaps an informational video, perhaps through updating the website and perhaps through the newsletter to the public what the status of the fire department was.

* WESTLAKE: Yes, I believe that's accurate.

* TROBAUGH: Who authorizes the creation of an informational video?

*WESTLAKE: At the fire department that would be the chief, Don Bivens. We would need to coordinate with staff at CVTV.

TROBAUGH: Was chief Bivens involved in the request made in summer?

WESTLAKE: I would have made the request myself.

TROBAUGH: Would you have done that at his request?

WESTLAKE: Yes.

TROBAUGH: Do you remember any of those conversations that you two had concerning this?

WESTLAKE: No. Nothing specific.

TROBAUGH: Did you make your request to the cable department in writing?

WESTLAKE: No. I think I called Jim Demmon on the phone and told him I would like to revisit the video, which we tried several times to get going.

TROBAUGH: And when you say several times I wonder if you could describe at what times you mean.

WESTLAKE: Well I can't recall that far back but I've had numerous conversations with staff at CVTV over the last three years about my desire to do a who we are and what we do video. And it's been a project that has just been put off numerous times.

TROBAUGH: So three years ago was when you started the project then perhaps you had another interaction with the cable TV department and then in summer of 2001 was maybe the last time that you had attempted to create that video?

WESTLAKE: No, I would say it was more often than that.

TROBAUGH: Okay.

*WESTLAKE: More times than that I interacted with them. We talked about schedules and availability and just really trying to get on the same page so that we could move forward with it and I take responsibility

for being the person who was probably holding it up more than anyone else.

* TROBAUGH: What would you attribute to it not being completed?

* WESTLAKE: I had just so many competing priorities, different projects that I was involved in.

* TROBAUGH: Could you describe some of those competing projects?

* WESTLAKE: Well I have had a lengthy interaction with the school districts with regard to a children's educational program called Risk Watch. And I built a local coalition of other fire departments and other public safety agencies and I spent a good deal of time working on that project in an effort to have the curriculum materials included in our school districts offerings for elementary school children.

* TROBAUGH: Okay. Going into the project in summer, did you have a target completion date?

* WESTLAKE: I don't believe I had a specific completion date. I just wanted to try to see if we could move it forward.

TROBAUGH: I wonder if you could describe what you mean by move it forward.

WESTLAKE: I wanted to check it off of my to do list.

TROBAUGH: So you wanted to complete it?

WESTLAKE: Yes, oh yes. I wanted to complete it.

TROBAUGH: But you didn't have a target date to finish it or even a month to finish it by?

WESTLAKE: Well I wanted to make sure that all of the components were included and so that was my priority to make sure that all of the primary services of the department were included in the video. I was dissatisfied with the script and I really needed to really spend

some time making sure it was an accurate depiction of what we do at the fire department.

TROBAUGH: Did you provide Mr. Demmon with a draft script?

WESTLAKE: No. Actually Jim Demmon did the script, wrote the original script based on my PowerPoint and then we went, I think we did some additional adjustments and found, and I decided I needed to take a look at their video, what they had in the can so to speak. And when I went over and reviewed the video, I found that the material wasn't really adequate for, in order for it to be useful. Some of it was quite outdated.

TROBAUGH: When did you give Mr. Demmon the PowerPoint presentation?

WESTLAKE: I don't remember when I gave that to him.

TROBAUGH: But your intent with that was to help him structure some kind of footage and presentation?

WESTLAKE: Yes. To get us started with the script yes.

TROBAUGH: Did you ever have a presentation plan for once the video was complete? How you would share that with the general public?

WESTLAKE: Well one of the things that I wanted to do was of course to make copies available to our chief officers so they could use it in their interactions with groups in their community. I was also interested in having it aired on CVTV and I'd hoped that we might be able to have copies that we would make available to some of the youth groups in the area so that they could learn more about the operations of the fire department.

TROBAUGH: Do you currently have any plans to complete the tape and do the presentation?

WESTLAKE: Yes I do.

TROBAUGH: Could you please describe that?

WESTLAKE: Well what I would like to do is to go back to CVTV and reevaluate what we've got, take another look at the script and produce the same video that I wanted to produce three years ago.

✕ TROBAUGH: Do you now have a target completion date?

✕ WESTLAKE: I do not.

TROBAUGH: Okay. Besides the PowerPoint presentation, have you created any other type of media presentation on the emergency medical services?

WESTLAKE: No. By media can you clarify please?

TROBAUGH: By this I mean a slide show, a PowerPoint presentation, in addition to the one that you have shared with me. I just meant multimedia.

WESTLAKE: No I don't.

TROBAUGH: The PowerPoint presentation that you did develop, did you present that to the public?

WESTLAKE: I presented it to the chief and I believe he presented it.

TROBAUGH: Okay. In the beginning of our interview you had mentioned that you, you're responsible for the website content.

WESTLAKE: Yes.

TROBAUGH: I wonder if you could describe a little bit what your duties are in that area. And maybe specifically some things that you have included since the business plan.

WESTLAKE: Well I uploaded to the website a complete copy of the business plan and you wanted to know is it what other things I've loaded since then?

TROBAUGH: What have you updated on the website, what content have you added since the business plan, maybe to highlight the business plan information.

Suemary Trobaugh

From: T. Baker [webmaster@tntwebcraft.com]
Sent: Tuesday, April 16, 2002 12:51 PM
To: Suemary Trobaugh
Subject: EMS Levy Campaign Website

Hello Suemary;

Per your request, I would like to outline for you the specific way that I was able to place on the "voteyesems.org" website the following public documents:

http://www.voteyesems.org/docs/VFD_Bus_Plan.pdf
http://www.voteyesems.org/docs/EMS_fact_sheet264.pdf

In late November of 2001, I was contracted to handle the online promotion of the "Vote Yes for EMS" Campaign by the "Yes EMS Committee". I attended many of their campaign meetings and it was at these meetings that most of the interaction took place between myself and the committee members.

It is not completely clear in my recollection on exactly how I was made aware of the existence of the documents (most likely verbally at a committee meeting), but it was relayed to me by one of the campaign committee members that they existed and I was asked to re-create them for use on the "voteyesems.org" website. I was able to obtain the content from the public website for Vancouver Fire and then I easily duplicated the documents and saved them on the the "voteyesems.org" website server which the Yes EMS Committee leases from my company on a monthly basis.

At no time were "voteyesems.org" site visitors directed to another server outside of their own to view documents being presented to voters. At no time was I provided with electronic files (either via disk or email attachment) of these documents.

Please let me know if I can assist you further.
Most sincerely;

Theresa Baker
TNT Webcrafters
"Delivering the WWWorld"
<http://www.tntwebcraft.com>
ph. 360.263.7133
fax 360.521-8748
email: webmaster@tntwebcraft.com

To the People of Vancouver & District #5,

With this newsletter we are endeavoring to explain the many services that the Vancouver community receives, in spite of the hard blows that rapid growth has dealt to the Vancouver Fire Department. The sharply rising volume of emergency calls confirms this.

Over the past five years, emergency calls have risen 75 percent, while response times have slowed by 30 seconds. Already this year, we've seen another 5 percent increase over the same period last year. During the past decade, the number of fire stations and on-duty firefighters in the service area have remained unchanged, though the amount of specialized services to both Vancouver proper and Fire District #5 have increased.

I'm very concerned today that our long tradition of quality service is being threatened, and that the day may come when we can no longer live up to this tradition. For example, a serious structure fire in our area consumes such a large percentage of our resources that it creates a regional crisis — and requires extensive help from the Portland Fire Bureau and our other neighboring fire departments.

During my 25 years in the fire service, community needs have changed dramatically. It is not well known, but the calls accounted for just 20 percent of 18,383 emergency responses last year. Emergency Medical Service (EMS) calls comprise the other 80 percent. Even more of the limited resources are depleted by necessary work related to contagious disease control, specialized response teams (for example, hazardous materials), workplace safety regulations and complex, ongoing emergency fire and medical training.

"...our long tradition of quality service is being threatened..."

In our attempt to maintain essential services, we've had to cut some important things. Firefighters no longer conduct annual tests of the hydrants. There isn't enough time to fulfill all requests for home smoke alarm inspections or to make pre-school safety education visits. The fire department has cut programs, found new efficiencies, and implemented new technology. Still, public demands continue to grow, and we are beyond capacity.

This summer we are taking stock. Over the next few months, we will study these issues and create a judicious Business Plan to assess public needs over the next decade. We are at a difficult point today and we need to catch up. In the meantime, if you have any concerns about where your tax dollars are directed when allocated to your fire department, please be assured that they are well spent in our effort to continue providing our community with the level of service that you have come to expect.

I want to express my gratitude for your unwavering past support. In the fall, I will report back to you with our recommendations. We have some tough decisions before us.

Don Brins
Don Brins, Fire Chief

Vancouver City Council, Mayor Royce E. Pollard, Pat Jollata, Dan Tonkovich,
Jim Moeller, Jeanne Harris, Jack Burkman, Jeanne Lipson,
County Fire District #5 Commissioners: Conrad Geiger, Bob Torrens, Mike Lyons

*Source: 911 logs



Recycled and printed with soy inks

PSRT STD
U.S. Postage
PAID
Permit No. 728
Vancouver, WA

ECRWSS



**Consolidated Fire Service Area
Clark County Fire District #5 &
City of Vancouver Fire Department
7110 N.E. 63rd Street
Vancouver, WA 98661-1995**



OPEN TO THE PUBLIC
Your NW Regional Training Center
11606 NE 66th Street
Vancouver, WA 98662

- Family safety classes
- CPR, first aid
- Occupational safety & compliance

... providing high-quality training for the community.

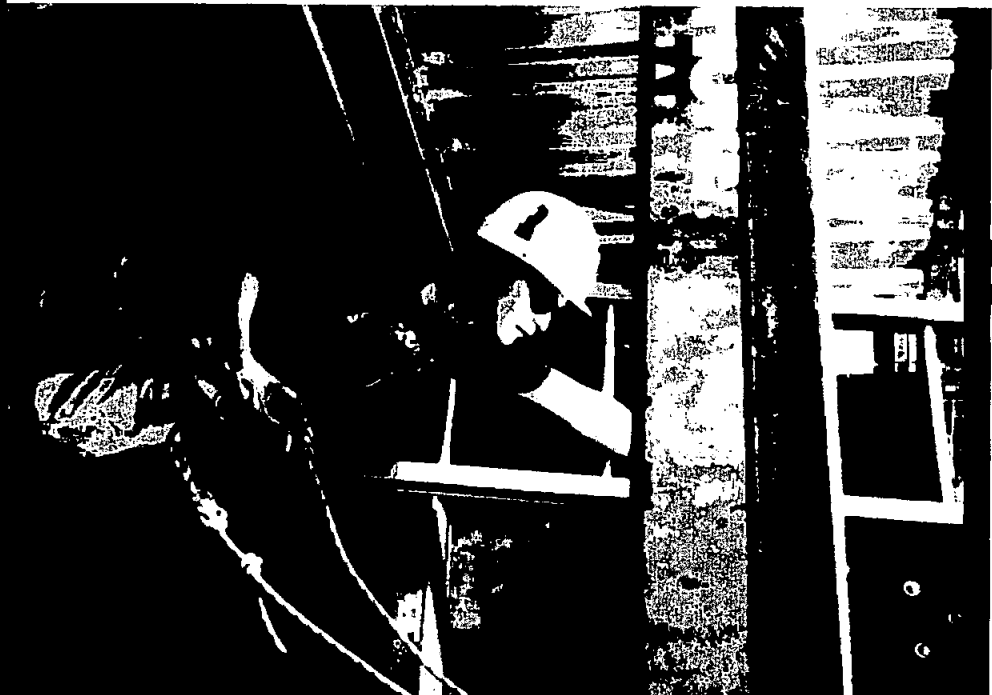
A joint venture between Clark County Fire District 5 and the Vancouver Fire Department.
Learn more at www.nwrtc.org or call (360) 759-4404

Postal Customer

EXHIBIT 9A

Page 1 of 2

Photo: Firefighter/Paramedic Brian Quintana manipulates safety ropes during a trench rescue



Lifeline
Fire, Rescue and Emergency Medical Services
Serving the City of Vancouver and District #5

Clark County Fire District #5 and the City of Vancouver Fire Department

Summer 2001

One Lifeline, One Voice — Your Fire Department

A times have changed, so has the face of the firefighting industry. Today your consolidated Vancouver Fire Department is comprised of highly-trained professional teams who respond to disasters of all types — big and small, natural and man-made. They are truly "jacks of all trades" who deliver rapid emergency response throughout your community.

Firefighters operate out of eight regular stations and two rural volunteer sites serving over 205,000 people in a 92-square-mile area. This unique service area includes the City of Vancouver and Clark County Fire District #5, which consolidated for efficiency in 1994 to form the fourth largest department in Washington state.

SPECIALIZED SERVICES: The traditional obligation of a fire department is to deliver effective fire suppression, but fighting fires is only part of the job. Vancouver Fire specialized services include:

- *Hazardous materials team*
- *Technical rescue team*
(trench cave-ins, rescues using ropes and in confined spaces)
- *Emergency medical services in the field*
- *Disaster management and planning*

EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS: Every firefighter is an Emergency Medical Technician who can administer advanced first aid. In addition, each responding fire apparatus also has a paramedic on board who can deliver more complicated medical care — including starting an IV and administering life-saving medication in the field, opening airways by inserting a tube, shocking the heart back to life — even delivering babies. In 2000, medical emergencies comprised 80 percent of all calls.

NEIGHBORHOOD FIRE STATIONS: Last year firefighters from strategically located fire stations responded quickly to 18,583 calls for help. Firefighters working from neighborhood fire stations are positioned to deliver the fastest response to any emergency with state-of-the-art equipment. The role of the private ambulance, if needed, is to transport patients to a hospital.

FIRE AND RESCUE: The tragedy of fire is never far away. Last year firefighters went to 869 fires that caused one civilian death, eight civilian injuries, and six firefighter injuries. Fires, explosions, and other emergencies will continue to tap our resources as the community's needs continue to grow and change.

Visit our web site for information about family safety including wildfire protection strategies, fire department services and history, CPR and First Aid Classes, and more at ... www.vanfire.org

BOBY BARNES, R.M.
Emergency
Medical Services
Administrator



CAPTAIN STEVE ELFORD
Hazardous
Materials Team

CAPTAIN BILL GARLINGTON
Firefighter &
Union President



CASEY HOLMES
Firefighter/
Paramedic

PAUL HONEYWELL
CPR & First Aid
Instructor



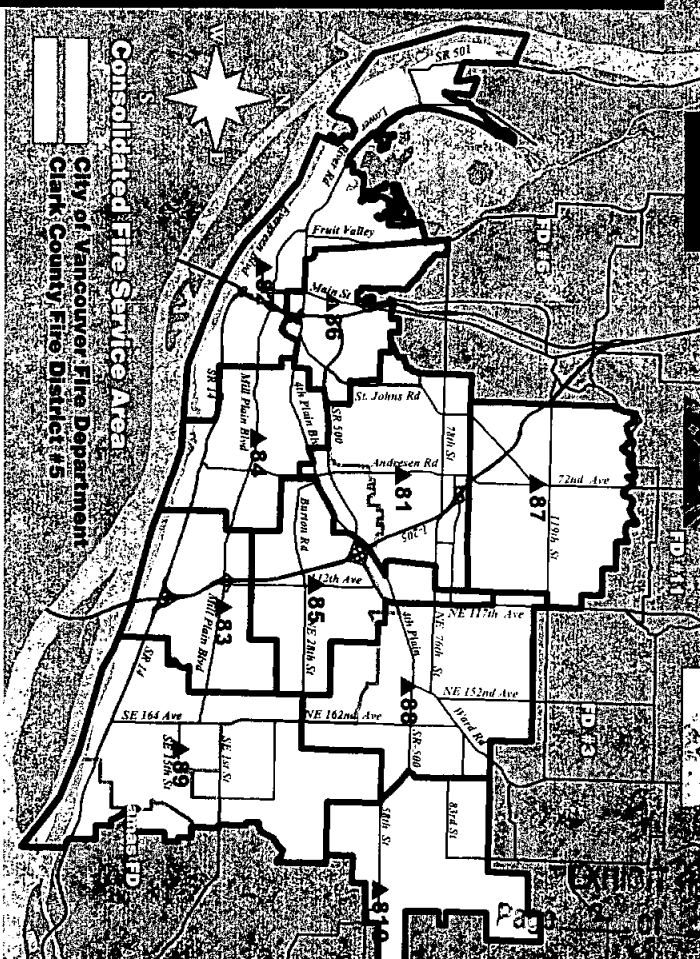
CAPTAIN RICK HUFFMAN
Firefighter/
Paramedic

ANDY SMITH
Technical
Rescue Team



STEVE STRISSENER
Deputy Chief

ANDY SULLA
Firefighter



- Consolidated Fire Service Area**
City of Vancouver Fire Department
Clark County Fire District #5
- ▲ Station 81 - 7110 N.E. 63rd St. 98661
 - ▲ Station 82 - 900 W. Evergreen 98660
 - ▲ Station 83 - 213 N.E. 120th Ave. 98684
 - ▲ Station 84 - 1110 N. Devine Rd. 98661
 - ▲ Station 85 - 3216 N.E. 112th Ave. 98682
 - ▲ Station 86 - 400 E. 37th St. 98663
 - ▲ Station 87 - 11207 N.E. 70th Ave. 98686 (Volunteer Station)
 - ▲ Station 88 - 6701 N.E. 147th Ave. 98682
 - ▲ Station 89 - 17408 S.E. 15th St. 98694
 - ▲ Station 810 - 22148 N.E. 58th St. 98682 (Volunteer Station)

To the People of Vancouver & District #5,

Every time I presented to report back to you with recommended solutions for the serious problems facing the Vancouver Fire Department. Safeguarding lives and property is our top priority. Today we need help to deal with the consequences of rapid growth in our area.

After eight months of rigorous research and analysis we completed a Business Plan. It was presented to the Vancouver City Council last last month. It includes carefully researched recommendations designed to maintain a safe level of fire department services. This is not a plan for expansion.

At the heart of the Business Plan are three key recommendations:

- Three small, light rescue units with a two-paramedic staff. These units will handle a large portion of emergency medical calls and will allow fire engines to remain in better position for fire and rescue incident response.

- Build two fire stations in areas with historically poor response times – one in the Glenwood neighborhood at the 12800 block of Northeast 72nd Avenue in 2002, and another on the eastside on Northeast 18th Street at 164th Avenue in 2003
- Add staff to meet firefighter training and safety needs

“...dramatic increases in work volume and complicated new demands...”

These catch-up provisions will cost from \$2.5 to \$5 million in each of the next three years. The City Council and Clark County Fire District 5 Commissioners plan to meet next month to discuss funding possibilities, including placing an Emergency Medical Services (EMS) levy before voters this winter. I hope you will review the charts inside this newsletter. They graphically demonstrate why we need to act quickly to regain the ground we have lost over the past several years, and set in motion our plans for protecting the fire and life safety of Vancouver area residents.

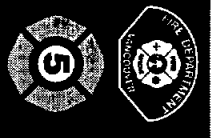
You can learn much more about the fire department at our web page, www.vanfire.org. Specifically, the Business Plan link includes the complete text of the Plan and all the charts which detail service delivery, costs and projections for future community needs.

Lastly, I'd like to use this forum to express my gratitude and pride in the dedication of Vancouver's firefighters. Despite dramatic increases in work volume and complicated new demands, they have repeatedly done more with less. And, along the way, they have instilled an unwavering respect for the people of this community. Residents of our community are well-served by these outstanding individuals. Thank you for your support for our firefighters.

Don Birkin
Don Birkin, Fire Chief

Vancouver City Council: Mayor Royce E. Pollard, Pat Johnson, Dan Tomkovich,
Jim McDevitt, Joanne Harris, Jack Burdman, Joanne Lyons.
Clark County Fire District #5 Commissioners: Corral Gelpie, Bob Torres, Mike Lyons

Recycled and printed with soy inks



PSRST STD
U.S. Postage
PAID
Permit No. 728
Vancouver, WA

ECRWSS



Consolidated Fire Service Area
City of Vancouver Fire Department &
Clark County Fire District #5
7110 N.E. 63rd Street
Vancouver, WA 98661-1995



OPEN TO THE PUBLIC
Your NW Regional Training Center
11606 NE 66th Street
Vancouver, WA 98662

- Family safety classes
- CPR, first aid
- Occupational safety & compliance

... providing high-quality training for the community.

A joint venture between Clark County Fire District 5 and the Vancouver Fire Department.
Learn more at www.nwrfc.org or call (360) 759-4404

a joint publication of
Clark County Fire District #5 and the City of Vancouver Fire Department

Fall 2003

Lifeline
Fire, Rescue and Emergency Medical Services
Serving the City of Vancouver and District #5



Photo: Crew members from Vancouver Fire tender emergency medical aid to a trauma victim.

BIT 98
1 of 2

The Business Plan for — Your Fire Department

The recently completed VPD Business Plan lays out a

careful strategy for correcting problems with fire department service delivery over the next three years. These problems stem from rapid population growth, increasing traffic congestion and more calls for service. The Business Plan identifies problem areas, recommends solutions and calculates costs for buildings, equipment and personnel to get the fire department back on track. It calls for:

- Three new, smaller, light-duty rescue units to be located at Stations 81, 82 and 84 (see map) These paramedic staffed vehicles will reduce the load on fire engines and improve emergency response times
- Three new fire stations to meet growing needs in underserved areas in the north and east parts of the consolidated city and District 5 service area (see map)
- It also addresses safety and training, system issues, and potential cost recovery

CURRENT SITUATION: Vancouver firefighters fulfill a crucial role that is not well understood. Last year, they responded to 18,583 calls for help related to the protection of life and property. This year they expect to exceed 20,000 calls. What many people don't know is that more of those calls — 83 percent — are for Emergency Medical Services (EMS).

"...research showed that one out of six times, the closest unit is unable to respond..."

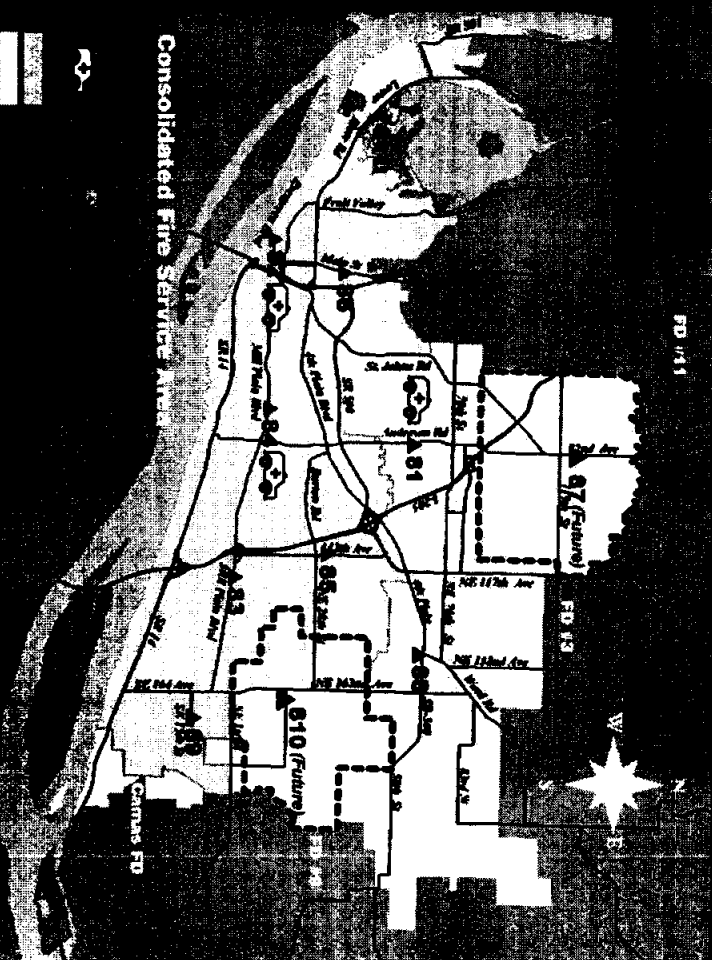
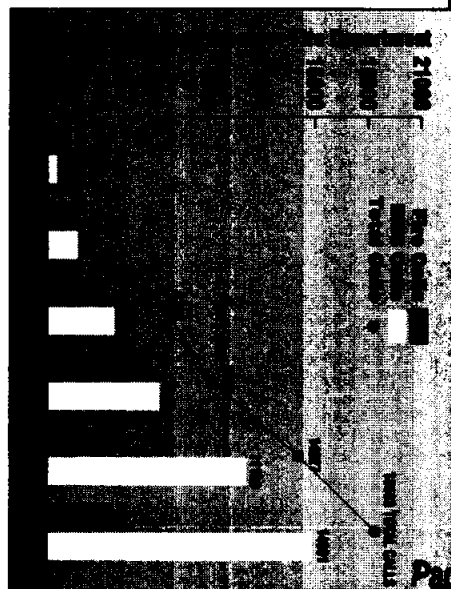
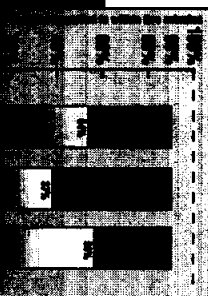
In fact, the department's units are responding to so many simultaneous emergencies, our response times are lagging. Recent research showed that one out of six times, the closest unit is unable to respond because it is already deployed on another call. "When every second counts as a fire or medical emergency, this is unacceptable," says Don Britton, fire chief. The current goal for fire response is five-stations 90 percent of the time in the urban area. In 2001, that goal was met only 54 percent of the time. (See chart for response time goal and attainment in urban, suburban and rural areas.)

Fire Department Training: At Vancouver Fire, all firefighters are Emergency Medical Technicians who can administer advanced fire aid. In addition, each responding fire apparatus has a paramedic on board. The paramedic can deliver complicated, life-saving field care including starting an IV to administer life-saving drugs, using a defibrillator to shock a heart back to rhythm or using a special tube to open an airway.

Community needs are evolving, and firefighters work hard to maintain their expertise in a variety of areas. In addition to the extensive challenges of EMS and fire suppression, they also must prepare for hazardous materials incidents, disaster response, and for complex rescue challenges such as trench cave-ins, explosion, building collapse or rope rescue situations.

News About Communities: The Business Plan revealed that the VPD delivers good value. Compared to cities of similar size (Bellevue, Spokane, Everett), Vancouver firefighters have consistently done more with less in the face of steadily rising demand. This was accomplished with no additional on-duty resources. Today, however, the department has exceeded its capacity as crucial response times get slower and slower.

Over the next few years to re-build lost capacity. The Vancouver City Council and Clark County Fire District 5 commissioners have considered a number of ways to meet public needs over the next few years. Fire District 5 has decided to place an EMS levy before voters this winter, and the city may consider joining that effort. The money would pay for needed new apparatus, fire stations and firefighters.





Consolidated Fire Service Area
City of Vancouver Fire Department &
Clark County Fire District #5
7110 N.E. 63rd Street
Vancouver, WA 98661-1995



PRSRT STD
U.S. Postage
PAID
Permit No. 728
Vancouver, WA

ECRWSS

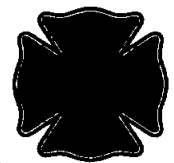
EMS

Emergency Medical Services

Levy is Feb. 5, 2002. Mail ballots must be postmarked by Feb. 5.



Emergency Medical Services



Lifeline

Fire, Rescue and Emergency Medical Services

Serving the City of Vancouver and District #5

Winter 2002

a joint publication of
Clark County Fire District #5 and the City of Vancouver Fire Department

LEVY! February 5, 2002

Photo:
Crew members from Vancouver Fire render emergency medical aid to a trauma victim.

EXHIBIT 9C

Page 1 of 2

The Levy Election for — Your Fire Department

In two earlier letters to you, I've expressed my concern about the diminishing ability of the fire department to meet your needs. Rapid population growth and increasing Emergency Medical Services (EMS) calls have put the fire department under intense pressure.



Last year, EMS calls made up 83 percent of over 20,000 calls for help. Your firefighters responded to 2,466 motor vehicle incidents and 1,771 heart attack calls with their life-saving skills and equipment. The rising volume of calls has slowed response times below recommended levels. Our community and its needs have changed.

Last summer we carefully analyzed the problems and developed a Business Plan. Your representatives on both the Vancouver City Council and Clark County Fire District 5 Board then decided to place an EMS property tax levy before voters Feb. 5, 2002. We have received **"The rising volume of calls has slowed response times below recommended levels."** citizen inquiries about the levy, and this matter is designed to clarify and address your questions about the purpose, costs and benefits. For more details about the levy, please see adjacent information and visit our web site, www.vanfire.org.

The levy would dedicate funds exclusively to the fire department. It would buy 3 small, maneuverable EMS rescue vehicles; build 2 new fire stations in underserved areas; and fire resources for safety and training needs. Those resources would allow the Fire Department to improve emergency response times.

Whether it's our essential role in firefighting and emergency medical care — or complicated new demands such as hazardous material response — the Vancouver Fire Department is eager to serve. We appreciate your patience with this process and encourage you to carefully research the levy proposal.

Don Birns
Don Birns, Fire Chief

LEVY COST:
50 cents per \$1,000 assessed valuation.
Example: the owner of a \$150,000 home would pay \$7.50 for each of the six years.

WE'RE LISTENING.

In a survey conducted last fall, residents in the City of Vancouver and Clark County Fire District 5 identified the following as their highest priorities for the fire department:

- 1) Emergency Medical Services (EMS)
- 2) Fighting fires
- 3) Hazardous materials response

BACKGROUND

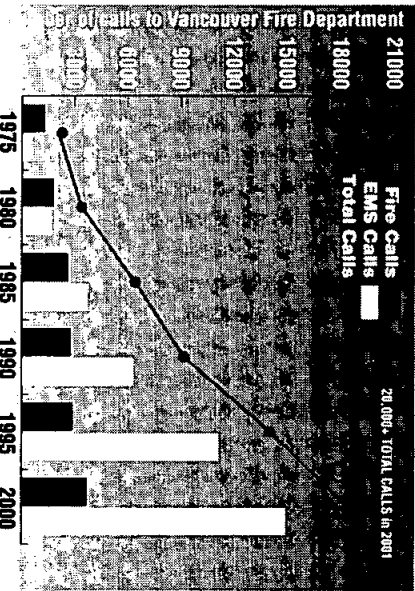
The fire department completed an intense review process and developed a Business Plan (*see complete plan at www.vanfire.org*). It reveals that:

- The fire department does not currently meet recommended standards for emergency responses because of rapid growth.
- Fire responses average 6 minutes and 14 seconds. To avoid explosive flashover, fire response should be 5 minutes or less 90% of the time.
- Vancouver's fire department is the most understaffed major fire department in Washington.

- During the last 20 years:*
- Service area population grew 86%
 - Fire calls grew 108%
 - Emergency medical call volume grew 774%
 - No new firefighting crews were added
 - Emergency response times declined, and do not meet recommended standards

Levy would provide:

- 3 small, light-duty rescue units to focus on medical calls (serving wear and tear on fire engines and leaving them in better position to respond to other emergencies)
- Build, equip and staff 2 fire stations in areas with historically slower response times — one on the fast-growing eastside and another on the northside
- Free-up resources to strengthen capabilities in firefighting, hazardous materials, disaster response, and state-mandated firefighter training and safety requirements



Visit our web site for more details on the fire department and the levy ... www.vanfire.org

Facts on the Fire-EMS Property Tax Levy

Why is a levy being proposed?

- Rapid population growth, increasing traffic congestion and more calls for emergency service in the consolidated Vancouver and Fire District 5 emergency services area have outstripped fire department resources.
- Local growth has resulted in a 100% increase in emergency calls (fire, rescue and Emergency Medical Services, or "EMS") in the past decade. Over 80% of these emergency calls are for EMS.
- Emergency response time goals of five-minutes in urban areas on 90% of the calls are only being met 54% of the time.
- Although the fire department has cut programs, found new efficiencies, and implemented new technologies the public demands for fire, rescue and EMS services continue to grow, consuming all available fire department resources.

What will the levy pay for?

- Levy proceeds would be entirely dedicated to the Vancouver Fire Department for emergency medical services.
- A Business Plan analyzed and recommended a levy to immediately address problem areas and to get the fire department back on track (See the entire Business Plan document at www.vanfire.org).

Levy proceeds would provide:

- Three lighter-duty paramedic rescue vehicles, with staff and equipment to reduce the EMS call load on the larger fire engines.
- Build, equip, and staff two fire stations to meet response time needs in underserved areas.
- As part of an overall Fire Department Business Plan, dedicated EMS levy funds would allow the Department to improve emergency response times toward the stated goal of five-minutes 90% of the time in the urban area. The levy funds would free up current resources to meet growing firefighting, hazardous materials response, and state-mandated firefighter training and safety requirements.

Are any new services included in the levy?

- No. This measure is strictly designed as a catch-up provision to return services to previous levels.

What will the levy cost?

- The property tax levy would cost up to 50 cents per \$1,000 assessed valuation. For instance, the owner of a \$150,000 home would pay \$75 for each of the six years.

What vote is required for the levy?

- For the levy election to be validated, 40% of voters from the last general election must participate in the election, and 60% of those voting must approve the levy.

Background on Fire Department Levy Proposal

The Vancouver Fire Department (VFD) and Clark County Fire District 5 consolidated operations in 1994. The Vancouver Fire Department provides fire, rescue and EMS services in the 92-square-mile consolidated service area. Both agencies will simultaneously request EMS levy funds to support EMS services.

VFD responded to 18,583 emergency calls in 2000, and at the current pace will exceed 20,000 calls this year. In addition to fire and rescue, over 80% of VFD calls are for Emergency Medical Services (EMS). The number of EMS calls is expected to increase in the next six years, based on census data that projects an aging population in the service area.

The overall area population increased 86% in the past two decades. Resources have remained static with eight full-time stations and ten fire apparatus to cover the 92-square-mile area. No new crews have been added during the past 20 years. At the same time, community demands changed substantially. EMS call volume grew 774% in two decades and fire calls have increased 108%. Emergency response times declined below comparable cities of similar size such as Bellevue and Spokane.

Business Plan: VFD developed a Business Plan that creates a framework for funding and providing fire, rescue and EMS services for the next three years. Extensive research was completed and the Plan was presented to the Vancouver City Council and the Fire District 5 Board of Commissioners by Fire Chief Don Bivins. The Plan corrects problems with current fire department service delivery. As one means to get VFD back on track, the Business Plan calls for an EMS tax levy request to help pay for the growing public demand for EMS.

Other facts:

- Election date: February 5, 2002
- Over 80% of VFD/District 5 calls are for Emergency Medical Services (EMS). There were 18,583 fire and EMS calls in 2000 – expected to top 20,000 in 2001.
- Service area population increased 86% in the past two decades. EMS calls increased 774%. Fire calls increased 108%.
- The ten largest Fire Departments in the state all rely on special levies or outside revenue to fund EMS, Vancouver being the only exception.
- VFD/District 5 does NOT currently meet response time standards for emergencies. These response times are vital to protect life and property.



For more information;
www.vanfire.org
Vancouver Fire Department
7110 NE 63 Street, Vancouver, WA 98661
(360) 892-4323

www.nwrtc.org
Clark County Fire District 5
11606 NE 66 St. Vancouver, WA 98662
(360) 759-4404





December 14, 2001

Contact: Don Bivins, Fire Chief, (360) 735-8781 or,
Barbara Crest, Communications Director, (360) 759-4473

A "Slice of American Pie" for Vancouver Firefighters

Betty Lane cooked up a sweet surprise to raise money for Vancouver firefighters by baking pies and selling them over a period of three days to residents of Smith Tower where she lives. Her invitation to purchase pies and support Vancouver firefighters read, in part:

"Because we care at Smith Tower, we are honoring our firefighters for their professional and caring work they do for our community. It is our pleasure to honor them this holiday season with a token of our appreciation. A donation jar will be available for those who would like to participate in the Slice of American Pie.

The invitation goes on to say:

"Our thoughts and prayers are with the many families that lost loved ones in New York. Due to this tragedy, it has heightened our awareness of how important friends and families are to us. An appreciation card will also be sent thanking them for their unselfish service."

Betty Lane donated \$246.60 to help the Vancouver Firefighters in their effort to provide a high quality service to the community, and was thanked by Chief Don Bivins.

[Return to News Release page](#)

This page is maintained by City of Vancouver Media Services

Last Revised: December 14, 2001

© Copyright 2002
City of Vancouver, Washington
All Rights Reserved

EXHIBIT 10
Page 1 of 1



Feb. 5, 2002

Contact: Chief Don Bivins, (360) 735-8781; Marilyn Westlake, (360) 759-4411

YEAR-END FIGURES TOP 20,000; SHOW 10 PERCENT ONE-YEAR RISE IN VANCOUVER FIRE DEPARTMENT EMERGENCY CALLS

Final 2001 run numbers for the Vancouver Fire Department show that, for the first time, annual calls exceeded 20,000.

There was an increase of 1,902 emergency calls over the previous year representing a 10 percent increase in the one-year period. Firefighter-medics responded to 20,485 emergency calls in 2001 compared to 18,583 calls in 2000. The increase last year in public demand for fire department services continues a sharp, upward trend.

MEDICAL CALLS LEAD INCREASES: The largest one-year increase was in the number of Emergency Medical Service (EMS) calls. EMS calls rose from 14,901 in 2000 to 16,666 in 2001, a one-year increase of 11.84 percent. More than eight of every ten VFD calls are for emergency medical aid.

FIVE YEAR PERSPECTIVE: Over the past five years, total call volume has increased 41 percent, from the 1997 figure of 14,526 calls to the current 20,485. In the same five years, EMS calls have increased 44.6 percent and fire/rescue calls rose 27.32 percent. No new firefighting crews have been added to the VFD in over 20 years.

RESPONSE TIMES: Rising system demand in 2001 has further slowed fire department response times. "This is a cause for concern because quick response is critical to meet our basic role, which is to safeguard lives and property," says Don Bivins, Fire Chief. Current standards require fire crews to arrive at a fire scene within 5 minutes 90 percent of the time in urban areas. That allows firefighters to confine fire to the room of origin and prevent explosive flashover.

Year 2000

Total fire incidents: 3,135

Average time per fire response: 6:14

Year 2001

Total fire incidents: 3819

Average time per fire response: 6:20

DATA SOURCE: Clark Regional Emergency Services Agency.

[► Return to News Release page](#)

This page is maintained by City of Vancouver Media Services

Last Revised: February 07, 2002

© Copyright 2002
City of Vancouver, Washington
All Rights Reserved

EXHIBIT 10
Page 1 of 1

budget cuts in our department that we probably just felt it couldn't accomplish it. It wasn't meant to, it was more, this is sort of more of how would you say, it's sort of what resources and time do I have available during that year to put it together. Does that help? That makes some sense.

TROBAUGH: Okay. So you're saying that the parks and recreation department were also one of your core priorities?

MCDONNELL: Yeah. Right.

TROBAUGH: Even though it was not emergency services?

X MCDONNELL: Yes because it was really on the reverse. That we know the economics given our tax initiatives and where we were going. We know those back in, when I took a financial picture in 2000 when we adopted the biennial budget which was 2001 and 2, we adopted that. That was the first thing I did as the new city manager. And when I looked at the revenues and expenditure curves in September, I knew we were on a collision course given our tax initiatives, our property tax and our other limitations. I felt I needed to put a planning process together that effectively dealt with revenue reductions. And the four core programs, police, parks and fire were part of that. But that was back in 2000 when I was hired.

X TROBAUGH: Okay and it didn't have anything to do with potential levies for the police, parks or fire?

X MCDONNELL: Absolutely not, we didn't even know we had, I mean I thought that the budget in 2000 for 2001 and 2 and we are in the middle of that biennial budget. And the question was then all those needs were raised in all of the departments on Met service needs, fire rating increases, response for services. All of those questions came out of that budget process in the latter part of 2000 and that really

focused why the business planning. Why we needed it. Because we knew we were headed for some significant, tough fiscal times and I needed to find a mechanism of connecting the council, and the department and the community to what services we were going to be looking at. So it had really nothing to do with levy or tools, it really had to do with changing the budget process. Because I was quite frankly, very concerned about it. I don't know how else to.

TROBAUGH: Okay. Can you explain how the City of Vancouver business plan process differed from strategic planning?

MCDONNELL: Yeah. Significantly, the strategic plan really, and that was part of my frustration, it was that it was really a strategic plan but it really wasn't applied to the budget. And it had our mission goals and objectives but the prior administrations really never connected it to how individual departments really worked and the priority of services. And so what I did was changed it from a strategic organization plan to much more of, we identified, the business plan really talks about identifying your services as either discretionary, essential and mandatory and support. What ~~we~~ did, the business plan really identified then every service within a department based on those kinds of service deliveries. And I felt the council needed that because, and myself, because if we were going to get into tough budget times we needed to know when you really have X dollars left what's the priorities.

TROBAUGH: Okay.

MCDONNELL: And that was how I moved from a, more of a global strategic planning process that really gathered a lot of dust on the shelf to having something that was much more dynamic and that's why we

really targeted those four areas. Because if we were going to have a significant budget impact, those really are the four areas that drive our major budget.

TROBAUGH: Okay.

MCDONNELL: And so that's kind of in a nutshell.

TROBAUGH: In your January 24th memo, I just want to read a portion of it to you and ask you what you meant by that statement. You state, "if the financial part of your business plan isn't good enough to go to the public in the current financial climate, you should reconsider what you're proposing and how to make it viable."

MCDONNELL: Yeah.

TROBAUGH: Can you explain what you meant by that?

MCDONNELL: Well it's pretty clear that, and this is what I felt, we didn't at the time, when we talked about particularly fire and police there was a really disconnect, and actually parks and recreation and transportation, there was really a disconnect between what those service, what community oriented policing is and what the public feels like they're getting. So this was a dynamic process where I took the business plans and really brought in the community to have a focus on how do we really let the community know what kind of programs and services we do. And to get buy in, because after the budget in 2000 it was clear it would take a public outreach to get the public and the council to understand our services and to get community support. But the levies weren't a part of that. It was just really, we weren't talking about getting voter approval for any specific issue. It was really to say we need to get the community to understand this program and to support basically us and the council on these programs. That what I meant by it.



Fire Department Business Plan

- ✓ **Population density** will increase at an average of 1.5% per year
- ✓ **Traffic density** will continue to increase on all major arterioles
- ✓ **Demographic changes**
 - Ethnic (Hispanic, Asian populations exceeding general growth)
 - Age (More Boomers who are aging)
 - Number of Youth/teens exploding
 - Affluence: increasing
 - Density of affordable housing increasing (garden homes, small lots, multi-family)

Other Areas

- ✓ **Community survey:** Fire department has high satisfaction with support for additional resources if needed to maintain existing standards of service
- ✓ National Fire Protection Association (NFPA) Standard #1710 will be in effect
- ✓ General Fund support is not expected to grow beyond current level

E. Environmental Scan

- ✓ We can expect to have a more densely populated city that will increase the incidence of fire. Growth of the population in Clark County will significantly increase our workload and negatively affect response times.
- ✓ We will have an increasingly older population that will generate more EMS calls per capita than in past years.
- ✓ The increase in traffic density will continue to slow our responses to most areas.
- ✓ The community wants us to maintain our existing service levels and is generally supportive of paying more in taxes to achieve this end.
- ✓ We will need to perform a detailed risk analysis to determine how our existing business practices and deployment standards meet the community needs

F. Funding Scenarios Considered

Scenario 1: Funding from General Fund and District 5 will remain constant. No additional funding is available through other sources. What combination of internal changes, program cuts, and / or service level changes will we need to make?

Scenario 2: Funding will increase with inflation, but not keep pace with our costs or growth. No additional funding is available through other sources. We must maintain existing service levels as best possible while addressing expected growth.

Scenario 3: Funding will increase but not keep pace with growth. We want to improve services to meet existing performance goals and provide an appropriate level of service for new growth. What will it cost and how do we fund it?



Fire Department Business Plan

I. Problems to Address

- 1) Increasing fire response times
- 2) Overtime use
- 3) Identification of additional revenue and cost sharing sources
- 4) Deployment Standards (NFPA 1710, NW Standards of Cover)
- 5) Quality of internal data & support
- 6) Regionalization of services (as an issue, not a problem)

J. Recommended Solutions

- 1) Three Adaptive Response Units (Dedicated medical units that will improve fire response)
- 2) Construct and staff two fire stations over the next four years
- 3) Add a seventh battalion chief to offset existing mandatory overtime
- 4) Add 1.0 FTE special team coordinator (HAZMAT and Technical Rescue Operations)
- 5) Add 5.5 FTE training personnel to include a Safety Office, two firefighter-trainers, a training technician and .5 FTE staff assistant.
- 6) Add 1.0 FTE EMS Training Captain/Paramedic
- 7) Add 2.0 FTE administrative support personnel consisting of a management analyst and Planning Captain.
- 8) Upgrade software data systems in Code Enforcement and Administration
- 9) Implement Fire Deployment / Risk Assessment standard similar to Oregon

K. Recommended Solutions by Year

2001

1. Purchase a staffing/time tracking system within existing capital budget requests. Will not require any additional appropriations nor general fund monies. Costs are expected to be \$65,000, including software, implementation, training, travel, and hardware.
2. Reduce the number of inspections performed until such time as all of the new employees have met training standards
3. Begin efficiency solutions that require no external funding or approval from City Council to take effect. First, eliminate the self-inspection program and inspection of state licensed facilities providing day-care for children.
4. Reduce the acquisition, production and distribution of educational materials while continuing to seek funding from outside sources through grant applications.
5. Cost recovery process has been recently implemented in HAZMAT
6. Develop revenue sharing process with other City & County agencies who are currently collecting fees for waste treatment, permitting, and other HAZMAT related functions.
7. Develop a standard contract and fee structure for businesses that have confined spaces per WISHA regulations, with the revenues earmarked for the Technical-rescue Program.



Fire Department Business Plan

D. Financial Summary Data

Item	Description	\$
Total budget allocation to provide fire suppression & BLS (<i>Direct & Indirect</i>)		\$15,220,143
Average cost per incident (\$564/veh response and 3.66 vehicles)		\$2,064
Total cost to provide ALS (<i>Direct & Indirect allocations</i>)		\$746,991
Direct cost (<i>no budget allocation included</i>)		\$489,710
Average cost per ALS incident (\$564/veh response and 1.0 vehicles)		\$564
EMS Academy	3 week Paramedic Training	\$8800
	1 week EMT Training	
Compliance training	State, Federal, Clark County	32 hr/ff
Training Management and Development	Curriculum development and employee training	\$50,000
Total budget allocated to provide Hazmat training and response		\$ 122,400
Estimated direct costs, i.e., premium pay, overtime, and equipment		\$ 53,000
Total direct reimbursement for services billed in 2001		\$ 0
Total cost allocated to provide technical-rescue training and response		\$ 95,230
Estimated direct costs, i.e., premium pay, overtime, and equipment		\$ 23,930
Total direct reimbursement for services		\$ 0

E. Problems & Recommended Solutions

Problem 1: Response times are increasing and do not meet our response standard.

- ✓ EMS call volume is highly predictable by time of day.
- ✓ Explosive increase in population density is driving more calls from 1980-2000:
 - Population has increased 86%
 - EMS calls have increased 774%
 - Fire calls have increased 108%
 - Increased traffic congestion is slowing response times
- ✓ Out of position responses are becoming more common (18%)
- ✓ Mutual Aid requests are imbalanced – VFD is a net consumer instead of net provider

Solution 1: Maintain Status Quo



Fire Department Business Plan

Solution 2: Deploy 3 EMS Adaptive Response Units, one each in the busiest fire station areas. Add additional stations, engines and crews as needed (projected in 2003 and 2004) when needed for geographic expansion.

Solution 3: Add fire stations, apparatus and crews in conventional manner to decrease response times. Do not introduce specialized units to address EMS load. Add a total of 28 FTE firefighters, two stations and two engine companies.

Recommendation: Solution 2--Staff 3 EMS Adaptive Response Units, one each in the busiest fire station areas. Add additional stations, engines and crews as needed (projected in 2003 and 2004) when needed for geographic expansion.

In 2002

- ✓ Staff 2 adaptive response units: estimated total cost of compensation for 12 paramedic FTE's on 16-hr shifts is \$ 886,584; estimated cost at 24-hr shifts is \$1,403,758.
- ✓ Purchasing three ARU vehicles with ER&R is approximately \$484,350.
- ✓ Build Station 87: estimated cost is \$1,986,000.
- ✓ Order one fire engine for Station 87.

In 2003

- ✓ Staff 1 additional adaptive response unit: estimated total cost of compensation for the total of 18 paramedic FTE's on 16-hr shifts is \$1,420,272; estimated cost for the total of three units at 24-hr shifts is \$2,209,865.
- ✓ Purchasing one additional ARU vehicle with ER&R for the total of 4 vehicles is approximately \$198,171.
- ✓ Staff one engine company in Station 87. Requires 14 FTE's as follows: 4 captains, 5 paramedics, and 5 firefighters. The estimated total cost of compensation for one year is \$1,083,778.
- ✓ Pay for Station 87's engine: estimated cost is \$442,650.
- ✓ Build Station 810: estimated cost is \$2,055,040.
- ✓ Order one fire engine for Station 810.

In 2004

- ✓ Staff one engine company in Station 810. Requires 14 FTE's as follows: 4 captains, 5 paramedics, and 5 firefighters. The estimated total cost of compensation for one year is \$1,128,715.
- ✓ Pay for Station 810's engine: estimated cost is \$461,039.

Problem 2: Overtime expenses to maintain minimum staffing in the battalion-chief position are consistently high.

- ✓ The battalion chiefs are working an average of 36 hours each in overtime per month.
- ✓ Total battalion chief overtime (approximately \$120,000 annually) exceeds the total cost of compensation for another battalion chief FTE (approximately \$112,662).
- ✓ Filling all regularly scheduled duty hours for battalion chief requires 7 FTE; we are budgeted for 6 FTE's.

† JAMES: Again, I need to go back. If you're talking pre-consolidation with the City of Vancouver and I think that's important. We ran levies and let me back up there again also. Prior to 1994, April of 1994 when District 5 and the City of Vancouver consolidated at that time I was an Assistant Fire Chief with district 5 and had been with district 5 for about 25 years up until that point. I had a break in service when I was drafted during the Vietnam War and I was working prior to that and then came back after that and reestablished my employment. Anyway, so during that time, I about lost my train of thought there, during that time we put out annual reports, we sent out newsletters which were called News at 5 at least, and again it varied but we tried to put them out at least twice a year, all the time.

TROBAUGH: Okay and then since consolidation how often did you do the News at 5?

JAMES: News at 5, after consolidation it, the news releases virtually stopped because there was no staff here with district 5. We may have put one or two out over the course of, from 94 until 2000 when I left the city and came back to work for fire district 5. It would have just been hit and miss.

TROBAUGH: And did something change in 2000 where there was more of an effort to do more frequent News at 5's?

JAMES: Well, again historically what had happened with the district we were very successful in our levies, or not levies but our lid lifts where we didn't have to have a 60% yes. All we needed was 50% plus. And we ran, like I said earlier lid lifts just about annually for many many years. After consolidation and basically they were passed because

we had a very good rapport with the public. We had a good, our public education was well done, we were well connected in the community. After 1994 when all of the employees left district 5 and were merged in with the employees from the City of Vancouver the goal of the city at the time was to make district 5 go away. It was to gobble up as much of it as it could. Therefore money was not expended on information about the district. Then in and I'm guessing it was the spring of 2000, somewhere in there I think it was 2000. We tried to float a levy or a six-year EMS levy for \$.20 and it failed. The board at that time recognized the problem being that how can we expect levies to pass when we no longer communicate with the public. So therefore we started putting out News at 5 again and we decided from that point on that we would start that process and keep the people informed because of the difficult condition. That's not true, not a difficult condition, because of the relationship between the city and the district were you had the City of Vancouver trying to make the district go away and the people not understanding that district 5 still existed, all the building names were changed. The district 5 names came off of all of the fire equipment and therefore we felt that it was important that the people understood what was going to happen. So when I came back in 2000 one of the things that I had told the board was we need to get information out to the public again so we started that campaign at that time and tried to get information out to the public to let them know what the relationship was with the district and the city and how that contract worked.

TROBAUGH: And how often would you say that the News at 5 was released then at that point?

PDC Interview
Marty James
May 7, 2002
Page 7 of 27

TROBAUGH: Okay. I wonder if you could describe to me at what point you tried to encourage the Lifeline to be created and be a joint publication.

JAMES: June of 2000 and that's when I started working with Fire District 5.

TROBAUGH: Okay. And was there anything that spurred you to do this? Was it perhaps the business plan that spurred you to want to get information out to the community?

* JAMES: No. I think what spurred us was we were not used to having levies fail and it was a real slap in the face when that levy failed and it was only \$.20. I just went to the board and said you know I think what has happened because we didn't really know that we, it was my guess that the people that lived in the district didn't understand the relationship between Fire District 5 and the City of Vancouver. It was definitely and clearly an issue that the public didn't understand what had happened with fire protection. Therefore I went to Don Bivins and said we need to do something about this. And they were part of the problem as well as I was and for that solution to come out I felt it needed to come jointly from both of us. Because I couldn't put out anything about the number of calls they had or what they're doing with fire prevention and all etc. without information from their records.

* TROBAUGH: So did you foresee a levy on the horizon or did you just see this as being part of communication that the city and the fire district needed to do?

* JAMES: Well I think it's a combination of both. Again my history is I was an assistant fire chief with the City of Vancouver so therefore and like I said I'd had 25 years with them plus another 6 with the City of Vancouver I knew that was prior to me leaving, I knew what was happening 695 hit, 747 hit, 147 or 47 I think it is. All those things

were adversely affecting our ability to provide services. Growth down here, and I can't be exact but I'd say its somewhere between 6 and 10% over the 6 years while I was with the city and revenues were not keeping pace. And being in a fire district there is only a couple of options you can do and one is if we're going to increase staffing, the options are that we run a six-year EMS levy or there's another option, it's called a benefit service charge. And we opted for the six-year levy because we had passed one of those back in 1980. We passed it back then. So that's, it really had nothing to do with the business plan because, my name is on the business plan but I only attended the first meeting. Mainly because I've got a full time job already and I did review it periodically as it was taking place, plus my meeting with Don periodically I kind of knew what was going on with the business plan.

Y TROBAUGH: So I wonder if you can describe how you and Don Bivins or who decided who would pay for what? What newsletter, what Lifeline, the Fire District #5 would pay for versus what the city would pay for?

* JAMES: Okay. On Lifeline, I simply went to Don and like I said I was adamant about getting some information out and the service area split and I'll be fairly close but it's like 55% sitting in 45% district and when I told Don was that I had budgeted some money to educate the public and that's not a very good term but to inform the public I guess about what was going on with the fire services. And I said let's just, I said I think it's important that we cover the entire service area which is both the city and the district and I said let's get this out. I'll pay for the first one, you pay for the next one, I'll pay for the

next one and we'll go back and forth. And that's how it has happened and that's how it's going to continue to happen.

TROBAUGH: Okay. And I wonder if you do have some numbers for how much you did spend for the summer of 2001 and it sounds like the winter of 2002 Lifelines.

JAMES: Okay. Let's see here. I had it here I've got to find it. After we talked you asked me to provide you with some numbers and I will send these to you in writing as well.

TROBAUGH: Okay.

JAMES: Publications September 2001, and I didn't go back to 2000, I'm just talking about the, we sent out a News at 5 in September 2001 and the cost of that was \$2,490. And what that was was, I think I mentioned this to you on the phone that I was looking for some method and this only went to the district 5 residents, not the city. So I'm going, I'll give you both Lifeline and News at 5.

TROBAUGH: Okay.

✓ JAMES: In September of 2001 I went down and met with the Columbian and asked them if they could print and distribute with their daily paper a flyer that was like an insert in the Columbian. And I think it hit 65,000 people and I could be off a bit here but it was around 50 or 60,000 for \$2,490 including the printing and the distribution.

TROBAUGH: Okay.

JAMES: And the layout as far as I can tell. I think we typed it up and again I'm not sure how that happened but I don't know whether, who did the actual design. I think the Columbian did all the layout for us as well.

TROBAUGH: I see.

JAMES: I couldn't find anything where I had paid anybody to help with the design of the flyer.

TROBAUGH: Okay.

JAMES: I thought for \$2,490 to get to 50 or 60,000 people that was a pretty good deal.

TROBAUGH: And can you tell me how many households or people are in your jurisdiction?

JAMES: Oh boy. I'd say about 60,000.

TROBAUGH: Okay.

JAMES: But there was overlap because it's by carrier route. So some of the people in the city would have gotten this as well as somebody outside district 5 and the city both because it's by carrier route and there is some overlap.

* TROBAUGH: Okay. And then the Lifeline? The summer of 2001.

* JAMES: Well the first one that I've got listed here is Winter 2000. Oh okay, they're out of order here. I've got a summer 2001. I have postage to the U.S. Postmaster of \$10,313.12. I have Gaten's Design which is Karen Gaten, she's a graphic designer out of Portland for format and layout \$2,949 and Graphic Arts Design who printed it and distributed it for \$8,129.76. And the total for that was \$21,391.88. Then the winter of 2000 there was another one that went out to the postmaster \$10,671. You can see it's fairly close to the other one. The Gaten's Design was less because for the format and layout it was \$1,050 and that's basically because we had it already designed and we just changed information. And so we, and it should be lower than that price ongoing now. Then

Graphic Arts Design again who did the printing and the distribution, again it was \$8,189.58. So a total of that round was \$19,911.24.

TROBAUGH: Okay. And can you tell me if the Lifeline publications were distributed to all residents of Fire District Number 5 and the City of Vancouver?

JAMES: Well I can tell you they were supposed to be. Now whether they all got them or not I don't know but that was the plan. We went to the postmaster and said we want to make sure we hit all of these people and whether they got them or not, I don't know. I mean we paid for it.

* TROBAUGH: Okay, that's fair enough. Now since you were paying for the Lifelines, did you authorize its content as well?

* JAMES: Yes. I guess in a nutshell. It was designed by Vancouver Fire by Marilyn, as you know, and I simply reviewed it when it was done. And it was also reviewed by my board prior to publication. Or not publication but to being sent out.

* TROBAUGH: Who would you say would give the final authorization for its content?

JAMES: Well.

TROBAUGH: Or is that a joint process?

* JAMES: Well I'd say jointly. I don't think, because either of us could have stopped the process and said you know this needs to be changed. So we simply said lets get some information together and we both looked at it and said okay let's go with it. I had my board review it and out it went.

* TROBAUGH: Okay. So when you refer to "we" you refer to Chief Bivins and yourself and input from the board? Or would the board have also that final authorization?

JAMES: I'm not sure I got all of that. You're kind of cutoff on the speakerphone.

TROBAUGH: Oh, I'm sorry. I guess what I'm trying to determine is if there was any kind of higherarchy to the authorization and who would be at the very top of that higherarchy.

JAMES: There is none. I mean you have two separate agencies. You've got a higherarchy at either place that could have stopped the publication.

TROBAUGH: Okay.

XJAMES: Either the city could have stopped it, I could have stopped it, the board could have stopped it, Bivins could have stopped it, the city manager could have stopped it. There is lots of people who could have said we're not going to do this based on any of the content.

TROBAUGH: Okay.

JAMES: Does that make sense?

TROBAUGH: Yes, it sure does. When was the first time that you discussed the possibility of a levy with anyone from the city?

JAMES: I hate to say I don't know, but to be honest with you the discussion of a levy has gone on for a number of years because of the cutting back of revenues. Now the other thing that's really important to understand here is that the city went through a radical change in, from the city manager, the assistant city manager, the budget, that whole team changed when Vernon Stoner left and when the old regime was there they had done nothing with fire. So we knew internally or at least I did and when I was with Vancouver also, for the record, I was in charge of administrative services which included all of the budgeting so I knew very, I knew first hand

TROBAUGH: Okay. Now I kind of want to move onto a different area. I was wondering if you had any involvement in the City of Vancouver Fire Department informational video that they attempted to produce?

JAMES: None whatsoever.

✧ TROBAUGH: Okay. Can you tell me when the next Lifeline newsletter is going to be published?

✧ JAMES: The next Lifeline?

✧ TROBAUGH: Right.

✧ JAMES: No.

TROBAUGH: Okay, do you have any input?

JAMES: Let me clarify that. Here is the problem. I feel that the district and we have already committed publicly we are going to run this levy again. The problem is that until the city council gets off the dime and makes a decision what they're going to do, if they're going to run in conjunction with the district or not. It's a very critical issue because if the city isn't, and currently they're split, they, and again I hate to ramble but I think I owe it to you to explain my position in this thing. The city had a workshop on March 25th and I attended that meeting and it was from 4-8 p.m. I attended and one of my board members attended. Because we wanted to know if they're going to run this again we fully intend and we have said publicly that we intend to run this thing again in September. The city is hemming and hawing back and forth which prevents me from putting out another Lifeline because I don't know what the city is going to do yet and what I am telling the board is that we need to move ahead and put out another News at 5 and if the city can't make that decision yet we need to tell the people what we see happening in the future. But that's also problematic in that if we

have people in the district that are going to look at this and say oh I see what's going to happen now. The city isn't going to put this out and the district is and now I'm going to be subsidizing the district, or the city, which isn't necessarily true because like I said earlier the city has different means in which they could fund this shortage. So I've been holding off purposely waiting on council to make some kind of a decision so that I know what direction I can go. Because I can't just go out and put some information out not knowing what the city's going to do because that's going to impact what happens with our levy. So therefore I am held hostage by their inability to make a decision yet.

TROBAUGH: And I wonder if I could just restate and see if this is, if you agree with this assessment of how this affects the Lifeline publication.

JAMES: Okay.

TROBAUGH: It sounds to me that what you're saying is that the content of the Lifeline for the next publication is dependent on whether or not the city decides to go forward with a levy proposition or funding in a different manner. Because you would want to share with the public what the next step would be in meeting the shortfall that you see.

JAMES: Okay I'd like to clarify because I just don't, and I'm assuming you're not trying to trap me here so let me, I just want to clarify. I think that what you're saying is accurate, however, because all the pieces need to fit together when you send information out. But I don't think they could put out a Lifeline, and I have said since that levy failed we need to get one out because the people are wondering what's going to happen. Because in the district we failed by 166 votes, less than 1% and I'd like to get something out

MEMORANDUM

To: File of City of Vancouver – PDC Case No. 02-286.

From: Suemary Trobaugh, Sr. Political Finance Specialist

Date: March 29, 2002

Subject: Telephone log notes of conversation with Clark County 911 assistant director, John Talbot

On March 29, 2002, John Talbot responded to my inquiry into when 911 usage numbers were supplied to Marilyn Westlake or members of the Vancouver Fire Department for calendar year 2001. Mr. Talbot explained that run-times are supplied monthly. Tim Gross of Clark County supplied raw data with location of call, units that responded to the call, to help determine call times. He provided information in an access database to Corey Ask of the City of Vancouver on January 10, 2002.

MEMORANDUM

To: File of City of Vancouver – PDC Case No. 02-286.

From: Suemary Trobaugh, Sr. Political Finance Specialist

Date: April 16, 2002

Subject: Telephone log notes of conversation with EMS Committee Webmaster,
Teresa Baker

On April 16, 2002, Teresa Baker responded to my inquiry into how she obtained the pdf files for the City of Vancouver Fire Department's fact sheet and business plan. Ms. Baker explained that she copied the business plan and fact sheet onto her Adobe Acrobat software and created links from the business server to the website. She describe that on a couple of occasions, a City of Vancouver e-mail address was used by her or the website. Ms. Baker has posted Marilyn Westlake's City of Vancouver's e-mail address on the campaign website, but was immediately requested to removed it by Ms. Westlake. I requested copies of e-mail correspondence using City of Vancouver e-mail addresses. Ms. Baker stated she would seek permission from Chief Bivins, Marilyn Westlake and Marty James before she would send copies.

determining what we have already done or need to do to implement efficiencies.

TROBAUGH: Okay. And if you could please remind me at what council meeting the council decided to place the levy on the February 5th ballot.

BIVINS: I think it was November 5th. It was the first council meeting in November.

TROBAUGH: Okay. I have talked to Judy about this prior but I am hoping to receive a copy of those meeting minutes please.

ZEIDER: Yeah, I'm going to get those for you.

TROBAUGH: Okay. Chief Bivins in our last interview you stated that you are aware of RCW 42.17.130 which prohibits the use of public facilities to support ballot propositions.

BIVINS: Yes.

TROBAUGH: Could you tell me when you were aware of this statute?

BIVINS: I'm sorry?

TROBAUGH: Could you tell me when you were aware of this statute?

BIVINS: I was actually just talking to Judy just before you called and as it became apparent that we were going to be bringing an issue before the voters Ted Gathy who is a city attorney sent me some information about campaigning and keeping the lines separate between the city and the campaign effort. And I wished I had, in hindsight, I wished I would have paid a lot closer attention to the language that he sent me.

TROBAUGH: Okay. So it sounds like you were aware of the statute prior to using your phone, the work computer and your city vehicle for campaign related activity.

BIVINS: I had the information, I just didn't internalize it in as much detail as I have since this. Mr. Stutzman, your, I think it's your boss...

community who we are and what we do because the impression that I had was that the community did not have a full appreciation for the full range of services our fire department provided.

TROBAUGH: So you made this request to Marilyn, or you discussed the video with Marilyn between January and March, and then she contacted the cable department in June?

BIVINS: I don't know when she contacted the cable department. And in the course of my conversation with Marilyn it was, in those kinds of conversations it was more along the lines of how do we get the word out to the community? How do we get the community to understand what we do and so I don't remember whether it was myself or her that came up with the idea of the video, but I am confident that in the course of the conversation that issue raised up as an option.

TROBAUGH: Okay. Can you tell me when you decided to have Marilyn Westlake produce more frequent Lifeline newsletters?

BIVINS: Well actually the first Lifeline newsletter we did was in early summer 2001. Prior to that our communication with the community was spotty. Fire district 5 produced a newsletter or something like that, an insert in the newspaper that they called News at 5 and that goes back probably over a decade. And the city had not done much to communicate with its constituency and we felt that it was necessary to shore up our side of the issue. To get the city on board in terms of getting information out to the community, so we decided to combine the efforts and get a Lifeline newsletter out, we decided to call it something different so that it was more inclusive. News at 5 implied fire district 5 only and so we decided to develop

a new newsletter that did not emphasize one organization over the other.

TROBAUGH: And when did you do that?

BIVINS: Well we sent the team out in June, I have to assume that we made that decision maybe March, April. We had to come up with what it would look like, how it would flow, the kind of format, the printing so on and so forth. I don't know, I'm not in that industry so I don't know how long it takes to do that but I recall that we, it took easily a month from the time that we had a final draft until we actually had the hard documents and were mailing them out.

TROBAUGH: Okay. On what date did you suggest to Jeff Williams to contact Marilyn Westlake concerning the EMS footage and photographs?

ZEIDER: What was the question again, I didn't quite hear that.

BIVINS: What was the date that I talked to Jeff Williams about contacting Marilyn for that information? Wow. Let me check, I might have some information that will help me nail that down.

ZEIDER: Did you hear that?

TROBAUGH: I did.

ZEIDER: Okay. Good.

BIVINS: I'm sorry, I'm not, I'm trying not to be evasive but I want to make sure that I give you accurate information.

TROBAUGH: Okay. Chief Bivins, could I ask what you are referring to?

BIVINS: Oh I am going through a packet of information that I have on the EMS campaign. Notes that I took and paperwork that I have, seeing if there is something in here that jogs my memory. If I were to have to venture a guess I would say somewhere in the

neighborhood of November. Maybe as late as the first week of December.

TROBAUGH: Okay. Could you please describe to me why you suggested to him to contact her?

BIVINS: Because I had no idea what kind of graphical information that he would need to be able to do his thing. And I would assume that Marilyn keeps, since she kind of is our unofficial photographer for the department, that she would have pictures that we've taken for various incidents and trainings.

TROBAUGH: And Jeff Williams was hired by the EMS committee to produce graphics and coordinate the video? The commercial?

BIVINS: Yeah, he was, it wasn't exclusively that but that was one of the things he was hired to do.

TROBAUGH: And can you tell me did you have this discussion with Jeff Williams while you were at work?

BIVINS: No, actually I had the discussion with him at the Tony Roma's. We went there for lunch and he indicated that he would need some either video footage or pictures to be able to produce a commercial.

TROBAUGH: Did you initiate the conversation by telling him that the EMS committee wanted a commercial?

BIVINS: No. Actually we asked him to help us with promotion of the EMS levy and were counting on him to give us advice.

ZEIDER: And by we, who are you referring to?

BIVINS: The EMS committee.

ZEIDER: And this was talked about on your own time?

BIVINS: Yes.

ZEIDER: At a restaurant?

BIVINS: Yes.

ZEIDER: Okay.

TROBAUGH: Chief Bivins did you discuss with Marilyn Westlake that Jeff Williams would be contacting her?

BIVINS: No. In fact I believe that Jeff after lunch went directly to Marilyn.

TROBAUGH: Okay. Did you intend for the EMS video footage to be created for use by the EMS levy committee?

BIVINS: No.

TROBAUGH: Did you ask any City of Vancouver employee to provide information, documentation, photographs or adobe acrobat PDF files to the EMS committee?

BIVINS: Did I...

ZEIDER: Would you repeat the question? There was a lot or a number of...

TROBAUGH: Sure, sure. Chief Bivins, did you ask any City of Vancouver employee to provide information, documentation, photographs or adobe acrobat PDF files to the EMS committee?

BIVINS: No.

TROBAUGH: Did you provide information or documentation, photographs or adobe acrobat files to the EMS committee?

BIVINS: Did I?

TROBAUGH: Yes.

BIVINS: I'm sorry, could you ask that question again?

TROBAUGH: Did you provide information or documentation, photographs or adobe acrobat files to the EMS levy committee?

BIVINS: Did I? No.

TROBAUGH: Can you tell me what you hoped the public would do with this information?

BIVINS: I hoped that they would recognize that we've got a problem and that we're working on coming up with solutions to that problem. The thrust of the letter was to let people know in specific terms what the issues were that we were facing thus far based on what we had been able to determine thus far. And that we would hopefully have some recommended solutions that we would be able to report on later.

TROBAUGH: Besides the levy election, were there any other recommended solutions that you informed the public were available to the fire department?

BIVINS: In this newsletter?

TROBAUGH: In any of the newsletters, in any format.

BIVINS: No. We did not, we did not offer any other funding alternatives than the EMS levy.

TROBAUGH: Okay. Under the header One Lifeline, One Voice Your Fire Department, the newsletter states, "the tragedy of fire is never far away. Last year fire fighters went to 869 fires that caused one civilian death, eight civilian injuries and 6 fire fighter injuries. Fires, explosions and other emergencies will continue to tap our resources as the community needs continue to grow and change." Can you tell me what you intended to convey with these statements?

BIVINS: That the risk of an emergency event in the community is real. Mostly the problems that we deal with in the community is a belief that I won't happen to me and by providing them some information that it does happen in our own little community is I think, an effort to

BIVINS: Yeah. I would characterize the fall newsletter as highlighting the key recommendations of the business plan, what the cost to providing the service that would be consistent with the key recommendations of the business plan are, so I guess, I'm not sure I would agree with your choice of words, but I would say that the newsletter highlights the results of the business plan, the costs of implementing all of the recommendations in the business plan and so I guess it's advocating for the department's needs.

TROBAUGH: Okay. Can you tell me on what date the winter Lifeline was distributed to postal customers? And again if Judy is trying to find the date of the letter that she sent me this information I am going to move onto the next question.

BIVINS: Okay.

TROBAUGH: Chief Bivins, can you tell me if this newsletter was your fact sheet?

BIVINS: If it was my fact sheet?

TROBAUGH: The fact sheet for the fire department on the EMS levy.

BIVINS: Yes. I mean it is a fact sheet that lays out what the issues are. We had received a number of questions from the community about what the specific needs were, what EMS stood for. There were some issues revolving around whether the fire department was providing duplication of services as compared to the ambulance company. Those kinds of things and this was intended to clarify that.

TROBAUGH: Okay. If so, can you tell me why the fire department distributed multiple versions of a fact sheet?

BIVINS: Ultimately, actually we didn't, well I don't want to pick nit. We wanted to get the facts out to everybody in the community. We mailed out the Lifeline newsletter to everybody in our community.

We had the 8 ½ by 11 fact sheet that has the little black oval at the top, as material that we could hand out to the general public as they came into the fire stations asking questions. We never mailed that out to anybody. We handed those out during presentations, not the Lifeline newsletter. Frankly the lifeline newsletter was printed on heavy cardstock and is relatively expensive to hand out willy nilly and the fact sheet, the 8 ½ by 11 fact sheet is easily reproducible on 8 ½ by 11 xerox copy machine and is a lot easier, handier and cheaper to hand out to people who ask questions about our levy.

TROBAUGH: Can you tell me what is the normal and regular way that the fire department distributes information on issues that impact the fire department and its constituents?

BIVINS: I would say we do press releases. We do newsletters. And we publish an annual report.

TROBAUGH: Okay. Can you tell me on what date the 8 by 11 fact sheet was made available in the fire stations?

BIVINS: I'm sorry Judy was asking a question.

ZEIDER: I think the chief has previously mentioned neighborhood meetings.

BIVINS: Right.

ZEIDER: Fire fighters are and staff are often out in the community. As a matter of fact I think at one point we had liaisons for various neighborhood associations.

BIVINS: Right.

ZEIDER: So those are just a few of the ways they communicate in the community on a regular and normal basis.

PDC Interview of Marilyn Westlake
by Suemary Trobaugh

April 11, 2002

Olympia, Washington

Tape 1, side A

TROBAUGH: This is the second statement of Marilyn Westlake, PDC case # 02-286, the time is now 10 to 4, the date is April 11, 2002. I am Suemary Trobaugh of the Public Disclosure Commission also present are Karen Copeland of the PDC, Lori Anderson of the PDC and Judy Zeider, of the City of Vancouver. This statement is being recorded via teleconference from the office of the PDC in Olympia Washington. The oath is now going to be administered by Karen Copeland.

COPELAND: Please raise your right hand. Do you promise the answers you are about to give will be the whole truth and nothing but the truth?

WESTLAKE: Yes.

COPELAND: Thank you.

TROBAUGH: Thank you. Marilyn, do you understand that this statement is being recorded?

WESTLAKE: Yes.

TROBAUGH: And for the record and voice identification, could you please say your full name and spell the last.

WESTLAKE: Marilyn Westlake W-E-S-T-L-A-K-E

TROBAUGH: Okay. Can you tell me when you and Chief Bivins decided to pursue creating the informational video? On what date?

WESTLAKE: I don't recall a specific date. The video was part of a number of communication efforts that we wanted to make in order to get out information to the public about the role and the functions of the fire department so I am not able to give you a specific date. I'm sorry.

TROBAUGH: Can you tell me what season or time of the year you believe...

WESTLAKE: I believe this would have been last spring. At that time we discussed the video. We discussed enhancing our web page and we discussed other efforts we might need to help people better understand the situation at the fire department.

TROBAUGH: So the video, the newsletters, perhaps the web site and presentations to the community could be part of your community outreach. And you believe that this happened in spring, so somewhere between March and May?

WESTLAKE: Yes.

TROBAUGH: Okay.

WESTLAKE: This is also I think, to put it into context, this is also part of the interest or the efforts of a brand new fire chief who wanted us to have an excellent web site and he really wanted us to have the best web site in the city and was interested in doing much more public outreach than our previous fire chief was.

TROBAUGH: Okay. Can you tell me when you were directed to produce more frequent Lifeline newsletters or when the Lifeline newsletter took off?

WESTLAKE: The Lifeline newsletter, the initiation of that I was assigned to produce a copy for that in, it would have been in the spring. And the reasoning was, as I understood it, was that we were going to have some really good solid information to communicate to the public about the fire department. So our intent was to use this process where the additional information was being collected and use that information that fresh information that we didn't have access to previously, to communicate to the public.

TROBAUGH: During this period, did you also increase the web site content to stress the impact of growth on fire service performance and response times?

WESTLAKE: I worked on developing web pages on everything that I could. Certainly the information in the business plan I think would have supported what you just said. However the grass roots information about what the fire department does was equally important and I worked on developing pages that simply explained what our various divisions were doing. Prior to that time I had not taken the software training for front page and we had a very, very under developed web page that didn't include any information on many of our major services.

TROBAUGH: So when would you say that the web site content increased?

WESTLAKE: After I took the front-page class I was able to start generating some pages and publishing them. That would have been in the spring or summer of 2001.

TROBAUGH: Okay. Did you speak to Jeff Williams concerning the fire department's EMS footage and/or photographs?

WESTLAKE: No. I don't believe so. Not in advance of him securing the material.

TROBAUGH: Did you speak with him after he secured the material?

WESTLAKE: Yes. As a member of the Vote Yes for EMS campaign I had occasion to talk with him afterward, yes.

TROBAUGH: And those discussions did not happen while you were on duty?

WESTLAKE: No.

TROBAUGH: Can you tell me what you discussed?

* WESTLAKE: The theme of the discussion was basically the images that he had collected from CVTV. I was surprised because I didn't know that they released B roll footage for private citizens.

* TROBAUGH: And B roll footage is footage that has not yet been used by the city?

* WESTLAKE: No. B roll footage would be the kind of footage that's just background images. The sort of thing that they would run on the screen while you have a voice over talking about something else.

TROBAUGH: Did you ask Jeff Williams how he received the video footage?

WESTLAKE: No.

TROBAUGH: Did Chief Bivins speak to you concerning Jeff Williams?

WESTLAKE: He indicated during a campaign meeting that they had hired Jeff to produce a video.

TROBAUGH: But did Chief Bivins speak to you concerning Jeff Williams?

WESTLAKE: No. Never.

* TROBAUGH: Did you intend the EMS video footage to be created for use by the EMS levy committee?

* WESTLAKE: No. In fact when I had the video shot I didn't know we were going to have a levy and I also didn't know that they would release that video to a private party. My intent in having the video shot was to come up with some more contemporary images of the fire fighters in our department.

TROBAUGH: Did you express your surprise to Jeff Williams that he was able to get this footage?

WESTLAKE: I don't remember whether I did or not.

TROBAUGH: Okay. Did you provide any information, documentation, photographs or adobe acrobat files to the EMS levy committee?

WESTLAKE: We don't have a specific schedule but we've had some preliminary discussions about that.

*TROBAUGH: Was there any intent to publish the newsletter on a quarterly basis?

*WESTLAKE: I don't know what the frequency expectation was.

*TROBAUGH: Were you assigned the coordination of the Lifeline newsletter?

*WESTLAKE: I was assigned, yes to prepare the content of the newsletter together with others in our department.

*TROBAUGH: But you were not given a schedule of when that would be required of you?

*WESTLAKE: For our future ones I don't know when the next edition is doing to be published.

*TROBAUGH: And can you tell me why?

*WESTLAKE: Because we haven't had those meetings to set the schedule.

*TROBAUGH: Okay. Were the other three Lifelines done by schedule?

*WESTLAKE: There was a general plan to have an edition go out announcing the business plan, that data was being gathered. That there was going to be another one when we had the material put together so reporting back to the citizens on what the content was going to be and then there would be a third one, presumably when the funding source was identified. Whatever that might be.

TROBAUGH: Were you aware of the fire department discussing any other funding source with the public?

WESTLAKE: Yes. I read in the newspaper that the city council was considering a possible increase in the sales tax. They were considering reintroducing a business and occupation tax, they were looking at an EMS levy, and they were also considering gutting some other city departments. Specifically the one I heard about the most was the parks department.

TROBAUGH: Did the fire department communicate with the public any other funding source besides the EMS levy?

WESTLAKE: I don't believe so. That was a city council decision. I don't think that that was anything that we would have gotten involved in.

TROBAUGH: Okay. Can you tell me why the fact sheet was not mailed to postal customers in the City of Vancouver? The 8 by 11 fact sheet.

WESTLAKE: Why it wasn't mailed? In addition to the Lifeline newsletter?

TROBAUGH: Correct.

WESTLAKE: I imagine that cost would have been a consideration.

TROBAUGH: Can you tell me why there is multiple fact sheets? The Lifeline and the 8 by 11 fact sheet.

WESTLAKE: The Lifeline was initiated not as a levy communication, it was a communications tool that we were using to inform people about the role and function of the fire department so I don't think that that would have been connected.

TROBAUGH: Ms. Westlake did you conduct and promotional activities from the fire department station with levy supporters?

WESTLAKE: No.

* TROBAUGH: Did you prepare or distribute any campaign material while at the fire station or while at work?

* WESTLAKE: In one instance I did work on a brochure here. I wrote the material here at home and I did not have the software at home to produce it into a newsletter and I spent some time here at work producing that. Approximately an hour.

* TROBAUGH: Using what software?

* WESTLAKE: Publisher.

* TROBAUGH: Okay. And this was during your normal work hours or after your normal work hours?

* WESTLAKE: This would have been during my lunch hour at work.

* TROBAUGH: Okay. Did you print it?

* WESTLAKE: Yes I did output it.

TROBAUGH: Did you email it?

WESTLAKE: No.

TROBAUGH: Did you fax it?

WESTLAKE: No.

TROBAUGH: Did you make any copies of it?

WESTLAKE: No.

TROBAUGH: Can you tell me if you received any campaign related phone calls while at the fire station? Or while at work?

WESTLAKE: I don't believe so. I think that we did get calls from people who wanted information about the levy and we just simply redirected them to the campaign phone number. We also had people coming in the front door frequently asking for Vote Yes for EMS signs and we redirected those people to the campaign.

TROBAUGH: Okay. Did you make any campaign related phone calls while at work?

WESTLAKE: I can't be certain that was absolutely perfect in that. I made every effort not to. In fact I went home everyday at lunch and I used my home phone for phone calls. And I also used my home email for communicating with the other committee members.

TROBAUGH: Do you believe it's possible?

WESTLAKE: Oh, it's possible. I can't be certain. It's possible.

TROBAUGH: Okay.

WESTLAKE: But I certainly made a concerted effort not to do that.



DATE FILED PDC

MAY 07 2002

P.O. Box 1995 • Vancouver, WA 98668-1995
www.ci.vancouver.wa.us

RECEIVED

MAY 09 2002

Public Disclosure Commission

May 7, 2002

Suemary Trobaugh
Public Disclosure Commission
711 Capitol Way, Room 206
P.O. Box 40908
Olympia, Washington 98504-0908

RE: Complaint filed by Kelly Hinton – PDC Case #02-286
Information Regarding Costs for Lifeline Newsletters

BY FACSIMILE TO 360-753-1112 - HARD COPY FOLLOW BY REGULAR MAIL

Dear Ms. Trobaugh:

You asked for cost figures for mailing and publication of the Lifeline newsletters for Summer and Fall of 2001 and for Winter, 2002.

It is my understanding that the Fire District #5 paid for the Summer 2001 and Winter 2002 Lifelines and that Marty James with the District will be providing you those cost figures.

The following are the cost figures provided to me by Marilyn Westlake for the Fall, 2001, Lifeline:

Costs for fall, 2001 Lifeline:

\$8338.88	printing
\$10,494.05	postage
<u>\$1,050</u>	design work (estimated)
\$19,882.93	

The design work was done by Gatens Design. Design work for the Fall, 2001 Lifeline included: design, layout, editing, color separation, map preparation, and final computer output. (Note: the initial design work for the first edition of the Lifeline in Summer 2001 was somewhat more because it included logo development and development of the template for the newsletter.)

The printing was done by Graphics Arts Center, in Portland.

In addition, you asked Marilyn Westlake for the number of hours she spent on the Lifeline project, her hourly rate and the names of any other employees who worked on the newsletter.

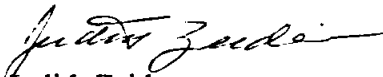
Ms. Westlake's hourly rate is \$24.88.

She estimates that she spent 15-20 hours on drafting the copy for each of the three newsletters.

Other than whatever time Chief Bivins or Fire District 5 Administrator Marty James spent reviewing the copy, no other employees worked on the newsletters.

Please contact me if you need additional information.

Sincerely,



Judith Zeider
Chief Assistant City Attorney



Clark County Fire District 5 Northwest Regional Training Center

11606 NE 66th Street, Suite 103, Vancouver WA 98662

Phone (360) 759-4404 Fax (360) 892-4350

www.nwrtrc.org



DATE FILED PDC

MAY 22 2002

May 20, 2002

RECEIVED

MAY 24 2002

Public Disclosure Commission

Suemary Trobaugh
Public Disclosure Commission
711 Capitol Way, Room 206
P. O. Box 40908
Olympia, Washington 98504-0908

RE: Complaint filed by Kelly Hinton – PDC Case # 02-286
Information Regarding Costs for *News @ Five* and *Lifeline* Newsletters

BY FACSIMILE TO 360-753-1112 – HARD COPY FOLLOW BY REGULAR MAIL

Dear Ms. Trobaugh:

You asked for cost figures for the mailing and publication of *News @ Five* for Fall 2001 and *Lifeline* newsletters for Summer 2001 and Winter 2002.

The following are the cost figures for:

News @ Five, Fall 2001

<u>\$ 2,490.00</u>	Printing and Distribution
--------------------	---------------------------

Lifeline, Summer 2001

\$10,313.12	Postage
\$ 2,949.00	Design Work
<u>\$ 8,129.76</u>	Printing and Distribution
<u>\$21,391.88</u>	

Lifeline, Winter 2002

\$10,671.66	Postage
\$ 1,050.00	Design Work
<u>\$ 8,189.58</u>	Printing and Distribution
<u>\$19,911.24</u>	

EXHIBIT 20

Page 1 of 2



The printing and distribution of News @ Five was done by *The Columbian*.

As previously clarified by the City of Vancouver, the design work was done by Gatens Design. Design work included design, layout- editing, color separation, map preparation, and final computer output. (Note: The initial design work for the first edition of lifeline in Summer 2001 was somewhat more because it included logo development and development of the template for the newsletter.)

The printing was done by Graphic Arts Center, in Portland.

The Resolution to submit an EMS Levy was adopted by the Fire District 5 Board of Commissioners on November 6, 2001.

Please contact me if you need additional information.

Sincerely,

A handwritten signature in black ink that reads "Marty James".

Marty James
Administrator
(360) 735-8782

Vancouver

WASHINGTON Home

Vancouver Fire Department



WHAT'S NEW

- [In-wall heater safety reminder](#)
- [YEAREND: Calls in *your* neighborhood](#)
- [Letter of Thanks for firefighter Sturbelle](#)
- [Citizen receives Fire Medal](#)
- [FAQs](#)
- [News releases and briefs](#)
- [Terrorism: Preparing for the Unexpected](#)

FIRE & LIFE SAFETY EDUCATION -

- [Just for Kids](#)
- [Just for Seniors](#)
- [Family Fire Safety Tips](#)
- [Carbon Monoxide Safety](#)
- [LINK: Consumer Safety Info/Recalls](#)

GRAB BAG

Your dollars. your department

FEATURED ITEMS

[EMS LEVY ELECTION-Results & Commentary](#)

[Local Safeway helps Play Station project](#)

[Business Plan outlines VFD needs](#)

[Why do firefighters go to medical emergencies?](#)

[Why every second counts in an emergency!](#)

WHO WE ARE

- [FIRE & EMERGENCY SERVICES ***](#)
- [Meet the firefighters from Station 86](#)
- [Meet the Fire Prevention Bureau](#)
- [Meet the Shop crew](#)
- [Vision, mission, values](#)
- [History](#)
- [Service Area Map](#)
- [LINK: NW Regional Training Center](#)

PEOPLE

- [Meet VFD Chief Officers](#)
- [Honor Guard](#)
- [Meet our friends at BKI Insurance](#)
- [MORE: Partners & Friends](#)
- [Awards & Kudos](#)
- [Trauma Intervention volunteers](#)
- [Volunteer firefighters](#)
- [So you want to be a firefighter?](#)
- [Shipboard firefighting author](#)

VANCOUVER FIRE NEWSLETTER

- [Lifeline, Jan. 2002 \(requires Adobe Acrobat.\)](#)
- [Lifeline Sept, 2001 \(requires Adobe Acrobat\)](#)

HEADQUARTERS

7110 NE 63rd St. - Vancouver WA 98661
(360) 892-4323 phone - (360) 892-4801 fax

STATION LOCATIONS

Station 81 - 7110 NE 63rd St.
Station 82 - 900 W. Evergreen Blvd.
Station 83 - 213 NE 120th Ave
Station 84 - 1110 N. Devine
Station 85 - 3216 NE 112th Ave.
Station 86 - 400 E. 37th St
Station 87 - 11207 NE 70th Ave.
Station 88 - 6701 NE 147th Ave.
Station 89 - 17408 SE 15th St.

CONTACTS

Marilyn Westlake, Public Education Coordinator
Virginia Chapman, Webmaster

EXHIBIT 21

Page 1 of 6

[Your home, your department](#)[Virginia Chapman, webmaster](#)[Poem written for VFD firefighters](#)[New Fire Truck](#)[Patriotic day at Veterans Parade](#)[Vancouver fire in action](#)[Open house photos](#)

Vancouver Fire Department -- In Brief

At the Vancouver Fire Department, we're proud of our team of trained professionals who respond to disasters of all types -- big and small, natural and man-made. Our primary work focuses on medical emergency services (EMS), firefighting, rescue and public safety and education.

The department's fire prevention bureau includes fire investigation, building inspections, code enforcement and public education programs. Staff members review buildings and prepare pre-fire plans for at-risk sites. When a fire strikes, it is studied as a lesson for future prevention.

In 1994, Vancouver Fire Department and Fire District # 5 consolidated to form the fourth largest department in the state of Washington. According to the most recent census data, the department now serves **210,223** people across the 92-square-mile area.

In 2001, this well-trained staff responded to **20,485 calls, up over 10 percent** from the 18,583 calls in Year 2000. (See [Calls in Your Neighborhood](#) for most recent run volume.) In 2001, emergency medical services made up 80 percent of the calls, while about 20 percent were fire or rescue related. Vancouver Fire Department provides rapid emergency response in urban, suburban and rural areas. Firefighters and emergency response crews operate out of eight regular and two rural volunteer fire stations.

This page is maintained by the Vancouver Fire Department

Last revised: March 05, 2002

© Copyright 2002

City of Vancouver, Washington

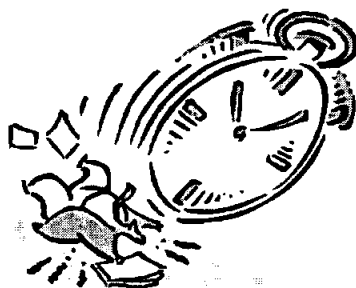
All Rights Reserved

EXHIBIT 21
Page 2 of 6

Vancouver

WASHINGTON Home

Every Second Counts



Time is critical when you need help
from your local Firefighter-EMTs and Paramedics!

Here's Why Every Second Counts...

On heart attack calls: If firefighters don't arrive in four minutes or less, the chances of saving a heart attack patient declines. That's according to Roxy Barnes, EMS Administrator for the Vancouver Fire Department. Critical emergency treatment needs to happen **FAST** to insure brain survival. "Four-

minute response helps insure that a person can return to their family and their regular activities after a heart attack," she says.

Last year... the Vancouver Fire Department went on 1,771 heart attack calls. Firefighters arrived within 4 minutes just 38 percent of the time. Why? Because Fire Department resources haven't kept pace with growth in the community. A proposed EMS levy would help address the problem by funding three quick response vehicles to help firefighter-EMTs and paramedics get there faster.

On fire calls: Devastating "flashover" in a house fire occurs at around six minutes. Flashover happens when the fire superheats the room and contents and then explodes – engulfing the whole house in flames. If firefighters arrive within 5 minutes, they can usually confine the fire to the room of origin -- saving the home and contents.



Last year... the Vancouver Fire Department went on 3,135 fire calls. On average, it took firefighters 6 minutes and 14 seconds to arrive, missing their own 5-minute goal 36 percent of the time. This is due to ever-increasing growth in call volume, which was generated by a fast-growing population in the VFD's 92-square-mile service area.

► [Return to Vancouver Fire Department Home Page](#)

► [Return to Vancouver Home Page](#)

This page is maintained by City of Vancouver, Vancouver Fire Department.
Last revised: 12/20/2001
© Copyright 2001
City of Vancouver, Washington
All Rights Reserved

EXHIBIT 21
Page 3 of 6



Fire Department Business Plan

See entire VFD Business Plan (requires Adobe Acrobat)

VFD Business Plan Maps and Graphs (3.1 mb Adobe Acrobat file)

Overall Financial Summary

Learn about the Feb. 5, 2002 property tax levy election

Background/Problem Statement: Vancouver Fire Department (VFD) crews responded to 18,583 emergency calls in 2000, and at the current pace will exceed 20,000 calls this year. In addition to fire and rescue, over 80 percent of VFD calls are for Emergency Medical Services (EMS).

Galloping growth over the past two decades has overwhelmed and exceeded the capacity of the Vancouver Fire Department. Resources have remained static with just eight fulltime stations and 10 responding units to cover the 92 square mile service area. Except for a minor adjustment in 2000, no new firefighting positions have been added during this period of rapid growth. At the same time, community demands changed substantially. Call volume grew exponentially. And, critical response times decayed to levels inconsistent with other cities of similar size.

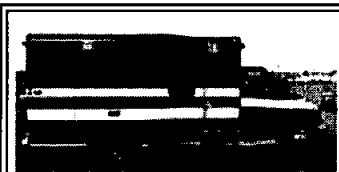


Photo (at left) shows an example of the type of light-duty rescue vehicle which is proposed in the Business Plan. Three vehicles are recommended to help handle the growing number of medical calls. Currently, over 80 percent of Vancouver Fire Department calls are for Emergency Medical Services.

Path to a Solution: Solutions have been developed through a **Business Plan** process that creates a careful framework for the next three years. Extensive research and calculations were completed by the planning team, and a final draft of the plan was presented to the Vancouver City Council on Aug. 27, 2001 by Chief Don Bivins.

Key Recommendations:

- **Three small, light-duty rescue vehicles with a two-paramedic staff.** These units will handle a large portion of emergency medical calls and will allow fire engines to remain in better position for fire and rescue incident response.
- **Build two fire stations in areas with historically poor response times** -- one in the Glenwood neighborhood at the 12600 block of Northeast 72nd Avenue in 2002, and another on the eastside on Northeast 18th Street at 164th Avenue in 2003
- **Add staff** to meet firefighter training and safety needs

These catch-up provisions will cost from \$2.5 to \$6 million in each of the next three years. The City Council and Clark County Fire District 5 Commissioners have decided to place an Emergency Medical Services (EMS) levy before voters this winter.

To learn more details, explore the comprehensive VFD Business Plan at the link at the top of this page. **EXHIBIT 21**

Page 4 of 6

▶ [Return to Vancouver Fire Department Home Page](#)

▶ [Return to Vancouver Home Page](#)

This page is maintained by City of Vancouver, Vancouver Fire Department.
Last revised: November 27, 2001
© Copyright 2001
City of Vancouver, Washington
All Rights Reserved

EXHIBIT 21
Page 5 of 6

Vancouver

WASHINGTON Home

Two-alarm fire Nov. 14, 2001



A serious two-alarm apartment fire at 4408 Gibbons Street consumed all of the VFD's firefighting/Emergency Medical Services resources for several hours early Wednesday evening. Once again, crews from neighboring fire districts had to step in to try to cover other emergency calls.

Mutual aid: Battalion Chief Terry Sott reports that Fire District 6 had to send a crew and rig to Station 86 on Main Street; Hockinson District 3 moved up to Station 88 at 6701 NE 147 Ave.; District 11 from Battle Ground moved into headquarters Station 81 at NE 63 and Andresen; and the Portland Fire Bureau's Engine 17 moved into the downtown fire station. Fire Chief Don Bivins characterizes two-alarm fires as "a regional emergency." The practice of lending "mutual aid" from one fire department to another is typically an infrequent occurrence. However, in the VFD service area, it is almost a daily occurrence because of seriously inadequate resources.

Injuries: At the apartment fire, two Vancouver firefighters were transported to the hospital. Both were treated and released.

Then at 5 a.m., the crews responded to a fire in an abandoned house at 20th and Broadway. Two engines and a truck responded. When another emergency call came in for a fire at the Frito Lay plant at 6:30 a.m., District 6 had to respond to that scene. This frustrating condition is summed up by Chief Sott: "It's happening more and more often – about monthly – where we can't handle our calls. It's an unsafe situation for both the taxpayers and the firefighters."

The VFD, together with Clark County Fire District 5, will conduct a Fire-Emergency Medical Services (EMS) levy Feb. 5, 2002 to raise dedicated funds for: three new EMS rescue units; two new fire stations; and catch-up provisions to meet safety, training and staffing needs.

Fire department resources have not kept pace with growth, leaving Vancouver's level of first-responder protection below acceptable levels.

(Westlake, 11-15-01)

► [Return to Vancouver Fire Department Home Page](#)
► [Return to Vancouver Home Page](#)

This page is maintained by City of Vancouver, Vancouver Fire Department.
Last revised: 11/20/2001
© Copyright 2001
City of Vancouver, Washington
All Rights Reserved

EXHIBIT 2/
Page 6 of 6

**Contact The
Committee**

**Email A Friend
About This Levy
Enter their email
address below**

Click Here To Send



Good Afternoon!

[Home](#)

[Other Facts](#)

[Sample Ballot](#)

[Fact Sheet](#)

[VFD Business Plan](#)

[Betty Lane Cares](#)

[Request Yard Sign](#)

[FAQs](#)

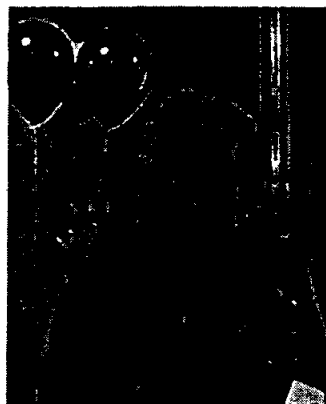
[Printable Sign](#)

[Discussion Board](#)

[Press Releases](#)

VOTE ☐ YES FIRE-EMS

Thank You Betty Lane!



Betty is officially the first contributor to the *VOTE YES EMS LEVY Campaign*. She knew she had to do what she could to help get the message out about the urgent need for voters to understand the real issues about their Emergency Medical Services and the potential state of crisis that is approaching.

Betty sold her homemade pies to raise money for the campaign efforts. As Betty puts it, "I went to church one Sunday evening and got down on my knees and prayed and prayed for what I wanted to do. The next day, I began to bake pies!" Betty's family told her there was no way she could attempt to bake enough pies to make a difference in her small kitchen and tiny oven. She was determined though, and went to work.

Soon the pies were being sold from Betty's room for any contribution over \$2.00. "I couldn't take less than \$2.00 for my pies with my famous butter and cream crust!" Betty declared. Later, Betty made the very first contribution to the Levy Campaign Fund of \$246.60.

We all owe Betty a warm Thank You for her generous contribution!

[Contact "VOTE YES EMS" Committee | Webmaster](#)

[Home](#) • [Other Facts](#) • [Sample Ballot](#) • [Fact Sheet](#) • [VFD Business Plan](#) • [Betty Lane Cares](#) • [Request Yard Sign](#) • [FAQs](#) • [Printable Sign](#) • [Discussion Board](#) • [Press Releases](#)

[This site carefully maintained by TNT Webcrafters](#)

EXHIBIT 22

Page 1 of 1

Memo

TO: City of Vancouver File – Case #02-286
FROM: Phil Stutzman, Director of Compliance *RS*
DATE: April 29, 2004
SUBJECT: Telephone Call from Don Bivens, Fire Chief, City of Vancouver

On April 28, 2004, I returned a telephone call from Don Bivens, Fire Chief for the City of Vancouver, and listened to his comments about his involvement in Case #02-286. He called after receiving a letter from PDC stating that the investigation into possible use of public facilities to support a ballot proposition in February 2002 had been reopened.

Chief Bivens made three points:

Campaign materials left in public office –

- Between December 2001 and January 2002, an employee of the City of Vancouver, Richard Curtis, a fire captain in the city fire department, took responsibility for the telephone campaign for the EMM levy committee. He asked Chief Bivens if he could leave campaign materials at the fire captain's office. Chief Bivens said he initially told Mr. Curtis he thought it was not a good idea, but by the end of the conversation, told him to do what he needed to go. Chief Bivens said by making that statement, he realizes that he gave tacit approval for Mr. Curtis to leave the campaign materials in his office at the City of Vancouver.

American Medical Response –

- American Medical Response (AMR) is a private company that has the authority to provide emergency transportation services in life threatening situations. This is done with ambulance type vehicles. The county director for AMR asked to meet with Don Bivens for lunch. Chief Bivens said he drove a vehicle owned by the City of Vancouver. At the lunch meeting, the AMR representative said he wanted to talk about the upcoming EMS levy. He said AMR wanted to provide financial support for the levy effort, but wanted certain conditions met in exchange for that support. The condition requested by AMR was that the City of Vancouver drop its proposal to purchase a "transport capable unit" which could be used by the city fire department to transport individuals in life-threatening situations. Chief Bivens said he believes AMR felt threatened by the possibility of the city providing the type of services that AMR was providing. Chief Bivens said the city only wanted the vehicle to provide care to fire fighters should they encounter a life threatening situation while performing their duties. He said the city had no intention to compete with AMR. Chief Bivens said he did not commit on the proposal for support.
- Three weeks later, a previously planned joint meeting between administrators of AMR and the Vancouver Fire Department was held to "build bridges of communication" between the two groups. Chief Bivens said that at that meeting he commented to the county director of AMR that his position had not changed about how the EMS levy funds would be used, and said that he wanted the support of AMR but not at the price asked.

Chief Bivens said he made a “tongue-in-cheek” comment that the levy committee would like financial support in an amount that had “lots of zeros” in the number. According to Chief Bivens, AMR eventually gave a contribution of \$2,500 to the levy committee.

- Chief Bivens said he wanted to disclose that he was uncomfortable with having solicited a campaign contribution for the EMS levy committee while at an official city meeting. He also said he was trying to tell AMR that the fire department would not change its plans on how to spend the EMS money, but wanted the financial support of AMR.

Presentations to the public about election –

- Chief Bivens said he gave talks to neighborhood and community groups on several occasions in the months preceding the 2002 election. He said groups sought him out as a speaker, and also said he looked for groups where he could speak. Chief Bivens said he normally wore his uniform and drove a fire department car to the speaking engagements.
- Chief Bivens said he did not use special equipment for the presentations, but simply gave an oral presentation and then answered questions from the audience. He said his goal and focus was to deal on a factual basis with the issues of concern to the people in the audience. He said the spirit of the talks was educational. Chief Bivens said the talks came on the heels of a fire department business plan. He said the business plan is still in effect. Chief Bivens said he usually had copies of the Lifeline Newsletters at the speaking engagements.

Memorandum

TO: Mayor and City Council

FROM: Pat McDonnell

CC: Betsy Williams, Ted Gathe, Paul Lewis and Jim Jacks

DATE: June 25, 2001

SUBJECT: DRAFT June 11, 2001 Council Retreat Flipchart Notes

City of Vancouver City Council Retreat Monday, June 11, 2001 Marshall House

Attendees: Council: Mayor Royce Pollard, Pat Jollota, Dan Tonkovich, Jim Moeller, Jeanne Harris, Jack Burkman, Jeanne Lipton.
Staff: Pat McDonnell (City Manager), Betsy Williams (Assistant City Manager), Ted Gathe (City Attorney), Paul Lewis (Budget & Planning Manager), Jim Jacks (Citizen Advocate)
Press: Jeff Mize (Columbian), and Rick Bella (Oregonian)
Public: Eight members

Paul Lewis covered agenda items one and two by guiding Council through the 21-page Council Retreat Packet. Betsy Williams' flipchart notes cover agenda item three. There are four main pieces: the base priorities, a hypothetical balanced budget exercise, the retreat summary, and Council expectations for the next retreat.

Base Priorities

Priority	Priority Operating Needs	Capital 6 years	Comments	Total
Fire Department	4,500,000	1,000,000	Includes equipment	5,500,000
Police Department	1,600,000	1,200,000	Debt service	2,800,000
Transportation	750,000	5,500,000		6,250,000
Parks	750,000	1,400,000	Legacy program	1,400,000
Recreation		3,200,000	Rec facility debt service	3,950,000
Other - General	500,000	1,000,000	Debt service	1,500,000
TOTAL	8,100,000	13,300,000		21,400,000

Hypothetical Exercise

Increase revenues = 14.7 million

3.8 million sales tax

1.5 million ¼ % REET (capital only)

0.4 million Fire Impact Fees (facilities only)

1.0 million utility tax

8.0 million B&O tax (includes retail)

Total needs (previous page) = \$21.4 million

Reduce needs = 6.8 million

Cut 1.0 million from city hall

Cut 1.2 million from police capital

Cut .8 million from police staff (half of identified need)

Cut 1.3 million from discretionary programs

Cut 1.0 million unexpended general funds

Cut 1.5 million due to increased efficiency

Net need = 14.6 million

Retreat Summary

- The Eastside Community Center is an important priority. We cannot support the \$38 million facility and the .2% sales tax funding proposal at this time. We need to regroup and make a major effort to build partnerships in the private sector.
- We must better organize and flesh out the different possible choices from the hypothetical balanced budget exercise.
- We need to create a process to establish priorities.
- We need to meet again.

Council Expectations for the next retreat:

- Full understanding of VFD business plan
- Explore Fire Impact Fee (FIF)
- Explore Emergency Medical Service (EMS) levy
- Discuss with business community reinstatement of Business and Occupancy (B&O)
- Clarify discretionary cuts
- What if we sunset the REET for Parks Legacy Program?
What is the impact on the Parks Legacy Program?
Want a report from stakeholders regarding support
- Explore gas tax, \$15/vehicle, and County REET options with Clark County Commissioners
- Clarity on mandatory, essential, and discretionary programs
- Overview of impact of utility tax – history, rates at comparable cities, identify the biggest users

ADJOURN

Memorandum

TO: Mayor and City Council
FROM: Pat McDonnell
CC: Betsy Williams, Ted Gathe, Paul Lewis, Don Bivins, Tom Nosack, and Jim Jacks
DATE: August 29, 2001
SUBJECT: **DRAFT** August 27, 2001 Council Retreat Notes

**City of Vancouver City Council Retreat
Monday, August 27, 2001
Marshall House
4 – 8 PM**

Attendees: Council: Mayor Royce Pollard, Pat Jollota, Dan Tonkovich, Jim Moeller, Jeanne Harris, Jack Burkman, Jeanne Lipton.
Staff: Pat McDonnell (City Manager), Betsy Williams (Assistant City Manager), Ted Gathe (City Attorney), Paul Lewis (Budget & Planning Manager), Don Bivins (Fire Chief), Tom Nosack (Performance Analyst), and Jim Jacks (Citizen Advocate)
Press: Jeff Mize (Columbian), and Rick Bella (Oregonian)
Public: 5 members

This summary is based on notes taken by Jim Jacks.

Council Retreat

The Mayor opened the meeting. He and Pat McDonnell both made brief introductory remarks before asking Paul Lewis to begin the retreat by walking Council through the information he prepared.

City Council Retreat Packet

Paul Lewis had prepared a 12-page packet titled, City Council Retreat. The two topics covered included: Updates (Evergreen Community Center, Management Initiatives, and Community Forum on Funding Priorities) and a Quarterly Financial Report.

The Parks and Recreation Commission are exploring a variety of potential public/private partnerships. They are in the conceptual stage. They will provide an update to Council in late September.

Fire Business Plan

Fire Chief Don Bivins led Council through the Fire Business Plan three ring binder. This and the ensuing discussion consumed the bulk of the Retreat.

1. Council agreed with the Fire Department's guidance and assumptions for the business plan.
2. Fire should continue to pursue cost recovery for service to high volume care facilities.
3. The option that provides the highest level of service is the 24 hour Adaptive Response Unit (ARU). The 24 hour shifts are the easiest to implement and represent the least-risk approach. The best business decision option is the 16 hour shift ARU. The savings from 16 vs. 24 hour shift could buy a 4th ARU team.
4. Fire needs training staff and resources to bring proposed new hires up to speed.
5. The Business Planning process is an invaluable tool for departments to objectively understand and communicate to Council what they do.
6. Council generally agreed that an EMS levy, [\$.50 per \$1,000 annual valuation property tax or approximately \$6,250,000 combined (City 4,500,000 and Fire District Five 1,750,000)] would address the long term structural changes and needs, relating to response times, staffing levels, and quality service provided by the Vancouver Fire Department.
7. Council agreed that any decision to have the city enter the medical transport business is beyond the near-term scope of this plan, and should be evaluated as a potential option in the future. Such a decision would have significant regional implications beyond the City and Fire District 5 and must be fully explored before taking any specific action.

Next Steps

- On October 3, 2001, the Neighborhood Business Coalition is having a community forum.
- On October 8, 2001, Council workshop with VFD and Fire District #5 to finalize funding strategies.
- Upon completion of the presentation, the Fire Department Business Planning Team summarized the issues that Council indicated should be addressed before the plan is complete. These included:
 - a. Quantify the cost of both ends of the EMS spectrum: doing away with it completely and going into the transport business.
 - b. Present our response performance against the ICMA benchmarks.
 - c. Provide a map that shows the combined effect of ARUs and new stations on response times.
 - d. Estimate how many years of capacity the new fire stations would provide.
 - e. Examine deployment options for the ARU that provide a mix of 16 and 24 hour shifts based on need.
- Staff explores the Fire Impact Fee option

Subj: **FW: Jeff Williams Proposed Campaign Coordination**
Date: 12/18/2001 10:07:16 PM Pacific Standard Time
From: Don.Bivins@ci.vancouver.wa.us
To: chief84@aol.com
File: **CampaignCoordinationOption1.doc** (104960 bytes) DL Time (49333 bps): < 1 minute
Sent from the Internet (Details)

RECEIVED

APR 08 2002

Public Disclosure Commission

-----Original Message-----

From: GoJeffWilliams@aol.com [mailto:GoJeffWilliams@aol.com]
Sent: Wednesday, December 05, 2001 5:39 PM
To: don.bivins@ci.vancouver.wa.us; marty.james@ci.vancouver.wa.us
Subject: Jeff Williams Proposed Campaign Coordination

Don and Marty:

Here's "what I can do for you". Let me know if you need more information or clarification. I'm ready to start as soon as you are. I've got a proposed cost figure I can share with you when we meet again.

Looking forward to hearing from you,

Jeff

Subj: **Parks Commission Support**
Date: 11/29/2001 10:33:18 AM Pacific Standard Time
From: Don.Bivins@ci.vancouver.wa.us
To: garprez@yahoo.com, bcrest@teleport.com, Martypj@aol.com, funnyodd@pacifier.com
CC: chief84@aol.com
Sent from the Internet (Details)

RECEIVED

APR 08 2002

Public Disclosure Commission

Folks,

Maureen Pedone called and stated that the Parks Commission will be signing a letter in support of the EMS Levy Campaign, sending us a copy, reading it at an upcoming council meeting, and pledging their support to us during the campaign. They will have a couple of representatives to our Wednesday morning meeting on the 12th to see what help they could offer us.

FYI,

Don